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WILLIAM J. STRATTON

Secretary of State and ex-officio State Librarian

8/19/50

JOURNAL

OF THE

SENATE

OF THE ELEVENTH GENERAL ASSEMBLY

OF THE

State of Illinois,

AT THEIR CALLED SESSION, BEGUN AND HELD AT SPRINGFIELD,

DECEMBER 9, 1839.

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SPRINGFIELD:

WM. WALTERS, PUBLIC PRINTER.

1839.

JOURNAL OF THE SENATE.

At a General Assembly of the State of Illinois, began and held at Springfield, on Monday, the ninth day of December, in the year of our Lord one thousand eight hundred and thirty-nine, convened by proclamation of the Governor, being the second session of the eleventh General Assembly of said State; the Hon. STINSON H. ANDERSON, Lieutenant Governor of the said State of Illinois, and Speaker of the Senate, appeared, took the Chair and called the Senate to order;

Whereupon, BENJAMIN BOND, Secretary of the Senate, MERITT L. COVELL, Assistant Secretary, LEVIN LANE, Sergeant-at-arms, and JOSEPH WARREN, assistant Sergeant-at-arms, appeared and entered upon the discharge of the duties of their respective offices.

The following members appeared and took their seats, to-wit:

From the county of Madison—GEORGE CHURCHILL.

From the county of St. Clair—JOHN MURRAY.

From the counties of Madison, St. Clair and Monroe—JAMES B. MOORE.

From the county of Randolph—RICHARD B. SERVANT.

From the counties of Washington and Perry—JOHN D. WOOD.

From the counties of Franklin, Williamson and Jackson—BRAXTON PARRISH.

From the counties of Union and Alexander—JOHN S. HACKER.

From the county of Gallatin—WILLIAM J. GATEWOOD.

From the county of White—WILLIAM H. DAVIDSON.

From the counties of Wabash, Edwards and Wayne—HENRY I. MILLS.

From the counties of Pope, Hardin and Johnson—WORTHINGTON J. GIBBS.

From the counties of Clinton and Marion—WILLIAM GASTON.

From the counties of Fayette, Effingham and Clay—ROBERT BLACKWELL.

From the counties of Lawrence, Crawford and Jasper—ABNER GREER.

From the county of Edgar—NELSON W. NUNNALLY.

From the counties of Hamilton and Jefferson—NOAH JOHNSON.

From the county of Macoupin—JOSEPH BROUGH.

From the counties of Morgan, Scott and Cass—WILLIAM O'REAR and WILLIAM WEATHERFORD.

From the counties of Sangamon, Menard, Logan and Dane—ARCHER G. HERNDON.

From the counties of McLean, Macon, Livingston and Dewitt—JAMES ALLEN.

From the counties of Warren, Knox and Henry—PETER BUTLER.

From the counties of Vermilion and Champaign—WILLIAM FITHIAN.

From the counties of Jo Daviess, Rock Island, Stephenson, Ogle, Mercer, Whiteside, Winnebago, Boone, Carroll and Lee—GEORGE W. HARRISON.

From the counties of Peoria, Putnam, Marshall, Bureau and Stark—JOHN HAMLIN.

From the counties of Montgomery and Bond—WILLIAM HUNTER.

From the counties of McDonough and Hancock—SIDNEY H. LITTLE.

From the county of Tazewell—BENJAMIN MITCHELL.

From the county of Pike—WILLIAM ROSS.

From the counties of Lasalle, Kane, Iroquois and DeKalb—WILLIAM STADDEN.

From the counties of Greene, Jersey and Calhoun—FRANKLIN WITT.

The following gentlemen appeared, presented certificates of their election, were qualified and took their seats, viz:

From the counties of Greene and Jersey—MONOAH BOSTWICK.

From the county of Fulton—DAVID MARKLEY.

From the counties of Morgan, Cass and Scott—WILLIAM L. SERGEANT.

Mr. Woodworth, the Senator elect from the counties of Cook, Will, Du Page, McHenry and Lake appeared;

Whereupon,

On motion of Mr. Hacker,

He was permitted to qualify and take his seat.

Mr. Gatewood moved the adoption of the following resolution, which lies on the table one day, viz:

Resolved, That the Secretary of the Senate inform the House of Representatives, that in obedience to the proclamation of his Excellency Thomas Carlin, Governor of the State of Illinois, the Senate has this day met, organized, and are now ready to proceed to legislative duties.

On motion of Mr. Servant,

The rule of the Senate was dispensed with, and the resolution taken up, read and adopted.

Ordered, That the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned.

TUESDAY, DECEMBER 10, 1839.

Senate met pursuant to adjournment.

The following members appeared and took their seats, to wit:

From the county of Adams—ORVILLE H. BROWNING.

From the counties of Sangamon, Menard, Logan and Dane—JOB FLETCHER.

From the counties of Clark and Coles—BYRD MONROE.

From the county of Shelby—PETER WARREN.

A message from the House of Representatives, by Mr. Prickett, their clerk.

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have met in pursuance of the proclamation of his Excellency Governor Thomas Carlin, and are now ready for the transaction of any legislative business. And he withdrew.

Mr. Parrish moved the adoption of the following resolution, which by a rule of the Senate lies one day on the table, viz:

Resolved by the Senate and House of Representatives, That a joint select committee of two from the Senate and three from the House of Representatives, be appointed to wait upon the Governor and inform him that the two Houses of the General Assembly of the State of Illinois, have met, organized and are ready to receive any communication which he may wish to make.

On motion of Mr. Weatherford,

The rule of the Senate was dispensed with, the resolution taken up, read, and adopted.

Ordered, That Messrs. Parrish and Weatherford be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by Mr. Prickett, their Clerk.

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution, in which they ask the concurrence of the Senate.

Resolved by the House of Representatives, the Senate concurring herein, That a joint select committee of three on the part of the House, and two on the part of the Senate, be appointed to wait on the Governor and inform him that both houses have organized, and are now ready to receive any communication which he may desire to make; and have appointed Messrs. Daley, Walker of Vermilion, and Able, the committee on their part. And he withdrew.

On motion of Mr. Gatewood,

The message from the House of Representatives just received was taken up, and the resolution therein contained read and concurred in.

Ordered, That Messrs. Parrish and Weatherford, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned.

WEDNESDAY, DECEMBER 11, 1839.

Senate met pursuant to adjournment.

Mr. Richardson, Senator from the county of Schuyler, appeared and took his seat.

Mr. Parrish, from the joint select committee appointed by the Senate and House of Representatives, to wait on the Governor and inform him of the organization of the General Assembly, reported that they had performed that duty and received for answer that he would deliver a message in writing to both Houses this day at ten o'clock.

Mr. Monroe moved the adoption of the following resolution, which by a rule of the Senate, lies one day on the table, viz:

Resolved by the Senate, the House of Representatives concurring herein, That a committee of five, two on the part of the Senate and three on the part of the House be appointed to examine into the condition of the State Bank of Illinois and Branches, and that said committee have power to send for persons and papers, qualify witnesses and compel their attendance. That said committee enquire whether or not the State Bank of Illinois has forfeited its charter; what rates of its discounts have been to persons living out of the State; what have been the transactions of the State Bank of Illinois with the house of Nevins and Townsend, of the city of New York; what loans, if any, have been made to them either directly or indirectly, on the discount of paper or in the collection of bills drawn on New York and sent to them by the Bank, or by placing in their possession funds collected for the Bank by other institutions; what portion of the stock of the State Bank subscribed for by the aforesaid house of Nevins and Townsend has been paid in, both of the original stock and of the one million which the Bank was permitted to sell; and also, what interest, if any, has been paid by the said house for those loans and deposits; also, whether the Bank did not refuse to accommodate the community with eastern exchange during the time heavy balances were in the hands of the house aforesaid; also, what are the nature of the transactions of the Bank with the house of Denman, of Philadelphia; whether any, if any, what loans have been made them, and whether they were permitted the free use, of any, or all monies collected by the falling due of Bills drawn on them on account of pork, bacon, lard, lead, &c., shipped to them by the Bank, and whether any bills drawn on them have been renewed to prevent protests; also, what are now and have been the character of the transactions of the Bank, if any, with the house of Griggs and Weld, of Boston, and what the amount of debt due at any time by the said house to the Bank, its present extent, security, &c.; also, what have been, and are now, the character and extent of loans by the Bank to houses in the city of St. Louis, and to the Bank of Missouri; also whether the Bank has been engaged in speculations either in lead, lands or any other property; also, what amount has been or probably will be lost at the Branches at Chicago, Alton and Galena, the amount of suspended debt at those Branches, what portion to citizens of the State, and what to non-residents, and the nature of security taken in all those cases; also, what is, and has

been the amount of loans to the principal Dealers at those branches, what proportion of those debts has been on business paper, what on accommodation loans, and what on bills of exchange, and whether said bills have not been frequently taken up at maturity, not with cash but by accommodation paper; what portion of the loans to citizens of this State have been to Bank Directors; also, whether the Bank has not been governed by partiality and favoritism in some of its discounts and accommodations; also, the character of the transaction between the acting Fund Commissioner and the President of the Bank in the negotiation of the bonds sold to constitute the stock owned by the State in that institution, and if the bonds at or since the time of purchase by the Bank could not have been sold for cash at or above par, and why said bonds were not sold; also, whether any money has been paid in, to represent the stock of the State in said Bank; whether the Bank has not dealt unfairly in declaring dividends and reporting means as available, which are in reality unavailing and in bad debts; And also, whether houses connected with some of the principal officers of the Bank have not been accommodated largely to the exclusion of others equally solvent.

Mr. Gatewood moved the adoption of the following resolution, which lies one day on the table, viz:

Resolved, That the rule requiring resolutions to lie one day upon the table be rescinded, and that the rule stand as it was before the adoption of said rule.

On motion of Mr. Gatewood,

The rule of the Senate was dispensed with, and the said resolution was taken up, read, and adopted.

Mr. Servant asked and obtained leave to introduce the petition of John W. Slade and others, praying to change the name of the town of Columbus in the county of Randolph; which was read, and,

On motion of Mr. Servant,

Referred to a select committee.

Ordered, That Messrs. Servant, Gatewood and Davidson, be that committee.

Mr. Servant asked and obtained leave to introduce the petition of James Gillespie and others, praying the incorporation of the Shiloh college in the county of Randolph; and,

On motion of Mr. Servant,

The reading of the same was dispensed with, and referred to a select committee.

Ordered, That Messrs. Servant, Gatewood and Davidson, be that committee.

On motion of Mr. Gatewood,

The following resolution was read and adopted, viz:

Resolved, That the rules of the Senate adopted at the last session of the Senate, be adopted at this session.

On motion of Mr. Gatewood,

The following resolution was read and adopted, viz:

Resolved by the Senate, the House of Representatives concurring herein, That a joint select committee consisting of one upon the part of the Senate, and two upon the part of the House of Representatives, be appointed

to prepare joint rules for the government of the intercourse of the two Houses.

Ordered, That Mr. Gatewood, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Little asked and obtained leave to introduce the petition of sundry citizens of La Harpe, in Hancock county, praying for an additional justice of the peace in said town; and,

On motion of Mr. Little,

The reading of the same was dispensed with, and referred to the committee on Petitions.

Mr. Fithian asked and obtained leave to introduce the petition of John Villiers, praying for the vacation of the town plat of Shepherdstown; and,

On motion of Mr. Fithian,

The reading of the same was dispensed with, and said petition referred to a select committee.

Ordered, That Messrs. Fithian, Gatewood and Nunnally, be that committee.

On motion of Mr. Browning,

The following resolution was read and adopted, viz:

Resolved, That the Auditor of Public accounts be required to report to the Senate, whether he has completed the adjustment of accounts between the State and the Illinois and Michigan canal, in conformity with the provisions of "An act to provide for settling the accounts between the State and the Illinois and Michigan canal," approved January 12, 1839; and if such settlement has been made, that the Auditor be required to lay the same before the Senate.

Mr. Gatewood offered for adoption the following resolution, viz:

Resolved, That a committee of three be appointed by the Speaker of the Senate to correspond with the citizens of Springfield, and others, for the purpose of procuring a room for the regular settings of the Senate during the present session, suitable to the proper transaction of business on the part of the Senate, and corresponding to the character and dignity of the people of the State of Illinois.

Whereupon,

Mr. Fletcher moved to strike out the words "character and dignity" contained in said resolution; which was not agreed to.

And the question recurring on the adoption of the resolution,

It was decided in the affirmative.

Ordered, That Messrs. Gatewood, Herndon and Fletcher be that committee.

On motion of Mr. Browning,

The following resolution was read and adopted, viz:

Resolved, That the commissioners of the Board of Public Works be required to lay before the Senate a statement of all the real estate which has been purchased by them, or any of them, for the State since the passage of the law to establish and maintain a general system of Internal Improvements—showing in said statement the location of such real estate, when and for what purpose purchased, from whom and by whom purchased, and at what price purchased.

The Speaker announced from the chair that the standing committees of the last session will remain the standing committees of the present session; Mr. Bostwick being placed upon the committee on Military Affairs and the committee on the Judiciary; Mr. Markley on the committees on Petitions and Public Accounts; Mr. Sergeant on the committees on Internal Improvements and on Public Buildings and Public Grounds; Mr. Woodworth on the committee on Canals and Canal Lands and the committee on Finance; Mr. Johnson is placed on the committee on Enrolled Bills.

Mr. Ross asked and obtained leave to introduce the petition of sundry citizens of Pike county, praying a change in a certain State road.

On motion of Mr. Ross,

The reading of which was dispensed with, and referred to the committee on Petitions.

A message from the Governor, by A. P. Field, Secretary of State:

Mr. Speaker: I am directed by the Governor, to lay before the Senate a communication in writing. And he withdrew.

Whereupon,

Mr. Speaker laid before the Senate, the following communication from the Governor:

FELLOW-CITIZENS

of the Senate and House of Representatives:

You are assembled in your Legislative capacity in conformity to my Proclamation of 19th October last, and it now becomes my duty to lay before you briefly the principal reasons for which you have been convened.

Our system of Internal Improvements presents a subject of deep and absorbing interest in which the destiny of the State is involved, and when compared with its prospects and resources, is truly alarming. The public credit has been, and continues to be, extended to exhaustion, with a view of increasing the enormous debt which has been incurred. The vast amount which has been and is daily expending upon costly, and at present, unnecessary work, calls loudly for immediate Legislative interposition.

The general disapprobation of the people to the extent of the system, and to the further continuance of the extravagant expenditures under the plan of operations which has been pursued, furnishes ample cause for convening you.

The following is a brief statement of the present financial condition of the State.

Present Indebtedness.

Amount of Illinois and Michigan Canal Stock sold	-	\$2,400,000
Bank and Internal Improvement do	- -	2,665,000
Internal Improvement stock sold	- - -	3,187,000
Stock issued for revenue purposes	- - -	128,000
Amount hypothicated by Fund Commissioners in		
Europe	- - - - -	1,500,000
To which may be added amount due School Fund	-	750,000
Probable deficit in ordinary expenses for the year	-	
Liabilities on account of surplus revenue deposited with		
State	- - - - -	477,919 44
Total liability of the State	- - - - -	11,107,919 44

Amount upon which the State pays interest	- -	10,630,000 00
Annual amount of interest, at six per cent.	- -	637,800 00

Present Available Resources.

Amount of State stock on the Bank of Illinois	- -	1,000,000
Amount in State Bank of Illinois	- -	2,100,000

Sum total of Bank stock	- - - -	<u>\$3,100,000</u>
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Probable dividends arising therefrom	- - - -	248,000
Balance of debt against the State after deducting the amount of Bank stock	- - - -	7,530,000
Amount of annual interest after deducting Bank dividends		389,800

Unavailable Resources.

The amount of Canal lands remaining unsold	270,182 acres	- - - -	
Amount of lands entered under the act establishing a General System of Internal Improvements	40,332.34-100ths.	- - - -	
Should the estimated cost of railroads when completed, be assumed according to the report of the Board of Public Works in December last, it would amount to	- - - -	- - - -	11,470,444 50
Add amount of appropriations to rivers, under the act establishing a General System of Internal Improvements	- - - -	- - - -	400,000 00
To Western Mail Route	- - - -	- - - -	250,000 00
To Counties	- - - -	- - - -	200,000 00
Special appropriations under the act of 1839	- -	- -	388,000 00
Indefinite appropriations under the same act	- -	- -	388,000 00

Cost of system when completed according to estimate	-	<u>\$13,096,444 50</u>
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The annual interest on the same at six per cent.	- -	785,786 68
Should the present plan of raising funds for the completion of the Canal be adhered to, it will add to the public debt according to the original estimated cost of the Canal, the sum of	- - - -	8,000,000 00
To which add amount due the School Fund	- -	<u>750,000 00</u>

Constituting a State debt, on the completion of all the works authorized by law, amounting to	- -	<u>\$21,846,444 50</u>
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Amount of interest which would annually accrue on the same	- - - -	1,310,786 67
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The amount of canal lands remaining unsold, which, as will be perceived, I have placed under the head of unavailable resources, is estimated to be equal to the remaining cost of the canal on its completion.

From this cursory view of the present condition of our State, the propriety of my recent proclamation, and the weighty considerations which induced it, cannot but be apparent. Perhaps no former period of our

political history presents questions of more absorbing interest, or so likely to have such an important bearing on our future destiny.

Within the last few years, the spirit of speculation—the natural offspring of an inflated paper circulating medium, has swept over the country. Millions, unaware of its fatal tendency, partook largely of its morbid influence, and wildly rushed into folly and extravagance. Forgetting the real source of wealth—the actual products of the country, they embarked in the most visionary schemes, and became a consuming instead of a producing people. If loans could be obtained for the prosecution of a favorite enterprise, they were willing to leave time to provide for the liquidation of debts incurred, without any regard to existing, and I may add, prospective resources. Not only individuals, but representative bodies, were allured from the paths of prudence and economy by the overweening seduction of this popular, but fatal delusion. At this critical and most important crisis, a bill was introduced into the Legislature, providing for a general system of Internal Improvements by the construction of nearly thirteen hundred miles of railroads and the improvement of various rivers, and such was the zeal with which it was urged, and so numerous and powerful were its friends, that it passed through both Houses by large majorities. No fear seemed to be entertained by its advocates but that the ability and resources of the State would prove equal to the accomplishment of such a herculean task, and they pointed with pride and exultation to that high rank in the scale of wealth to which, as they alledged, the measure would finally elevate us.

As for myself, at the time I entered upon the station I now occupy, I had no doubts that the system was larger than our means could sustain, but being in favor of a system owned exclusively by the State, I only expressed my disapprobation of its extent, and my preference for the construction of the most important work first; for at that period, as at present, the amount expended under the existing plan of operations, deeply involved our character and credit, and seemed to forbid its abandonment. The vast debt, however, already incurred, the interest of which must be promptly paid, and the deranged state of the monetary affairs of this and other countries, making the negotiations of loans on acceptable terms exceedingly difficult, if not impracticable, interpose insurmountable obstacles to the successful prosecution of the system as now authorized by law. If additional testimony is wanting of the absolute necessity of its speedy reduction, and a more judicious application of our expenditures, it is to be found in the almost universal opposition of the people to the extent of the works and the manner in which they are prosecuted, partially expressed through the medium of public meetings held in various counties, the proceedings of which have been addressed to me in my official capacity.

I am aware that the System is the result of mutual concession and compromise, and that its advantages were to be dispensed as equally as possible throughout the State, by the construction of improvements in almost every county, and appropriating to those in which no improvements were to be made, \$200,000 in lieu thereof.

Not adhering, however, to these principles of compromise, extravagant as they appear, it seems to have been the settled determination of subsequent legislation, not only to carry out the original System, but

actually to enlarge it nearly \$1,000,000. The fatal tendency of this course, and the ruinous policy of simultaneously commencing all the works, and constructing them in detached parcels, thus making the completion of the most important depend upon the completion of the whole, is alike at variance with the principles of sound economy, destructive to the interests of the State, and to the System in all its parts. Absolute necessity, as well as the dictates of wisdom and prudence, demand at your hands such enactments as will remedy these evils, and ensure a judicious application of all future expenditures. I would, therefore, most earnestly recommend the concentration of all future labor and expenditures upon the most useful and promising road, and to the improvement of such of the larger class of rivers, as may be susceptible of steamboat navigation, and to suspend operations and expenditures upon all others, at least until those are completed. All experience teaches that it requires a large amount of transportation to render railroads and canals productive, and this can only be expected in populous countries, and between large commercial depots.

In a country like our own, unsurpassed for fertility—abounding with natural advantages, and inexhaustible resources—intersected and almost surrounded with natural navigation—with a surface admirably adapted to the construction of Internal Improvements, a judicious System, excluding all works which would not probably yield a revenue equal to the interest accruing on the cost of their construction, and the expenses necessary to keep them in repair, would aid in the development of those resources, furnish facilities to the industry and enterprise of the people, promote the interests, and advance the rapidly increasing population of the country, and ultimately ensure the construction of such additional works as the practical wants of the community and the available means of the State might justify. By the adoption of such a system of operation, I may repeat, the completion of one road, would facilitate the construction of others, and thus all, so far as necessity may call for, be finally accomplished without exhausting or crippling the resources of the State; the interest of the money expended would thus cease to be burthensome to the people, after the completion of the works to which it had been applied.

I am aware that objections may be urged against the adoption of the proposed modification, as some may be found unwilling to suspend their favorite work. Whatever may have been the notions which influenced previous legislation upon this important subject, I cannot conceive it possible that so selfish a policy, at a juncture so critical as the present, will be brought into collision with the paramount interests of the State. Adherence to such suicidal measures, would only tend to endanger and destroy those improvements, which, if completed, would be the most useful and profitable, while it could not possibly coerce the completion of expensive and unnecessary works. The great magnitude of the subject, and the vastness of the interests involved, in which all the citizens of the State so deeply participate, induces me to invoke, and with implicit confidence, rely, upon your united wisdom in maturing and adopting such measures of reform as may best promote and subserve the public welfare.

Not having been furnished with the reports of the Board of Public Works, I am unable to lay before you the progress made in the manner of proceeding with, and the amount of disbursements upon our System of Internal Improvements, further than a statement furnished me by the Secre-

tary of the Board of Fund Commissioners, which is herewith transmitted, marked A.

On the 4th of November last, Messrs. Rawlings and Oakley, two of the Fund Commissioners, apprised me by letter of that date, that they had contracted with Messrs. Wright & Co. of London, for the delivery of State bonds to the amount of \$4,000,000, \$500,000 of which has to be paid in railroad iron, and \$250,000 more to be drawn for on the delivery of the bonds. They also informed me that they had constituted the said company agents for the State for the sale of the residue of the bonds, and that the whole transaction comprised an indivisible contract, and requested me to execute the bonds in accordance with the same. Having some doubts as to the character of the negotiation, and being apprehensive that the interest of the State would be likely to suffer by throwing such an amount of our stock into the London market, in the present deranged state of financial affairs, I hesitated to sign bonds to the amount of \$4,000,000, although I was imperatively required to do so, by law. I executed, however, bonds to the amount of \$750,000, absolutely disposed of, and informed the Commissioners they were ready for delivery, urging, at the same time the propriety of withholding the residue of \$3,250,000, subject to legislative action. But being informed by the Commissioners that less than \$1,500,000 would not secure the contract, I finally, on their urgent solicitation, executed bonds to that amount, the Commissioners consenting that the residue might remain subject to your action.

You are not unaware, gentlemen, that great distress, disappointment, and loss have been incurred by contractors on various works, for the want of prompt payment of estimates on the part of the Commissioners. Why these estimates have not been discharged, I am unable, from any means of information in my possession, to determine. In view, however, of the fact that in some instances they have not been paid as they became due, and that in all probability, some of them still remain unsatisfied, I would respectfully and earnestly recommend an investigation of the accounts and proceedings of the Board of Public Works, and the conduct of all officers and agents connected with the System.

According to a statement of the Acting Commissioner of the Canal Board, the expenditures upon that work, inclusive of contracts and contingent expenses, up to the first of October, 1839, amount to the sum of \$2,468,616 38. In addition to this, the amount payable to contractors, exclusive of contingent expenses on the first day of December, will not probably, vary much from \$150,000. The probable additional cost of the Canal will be \$5,500,000, making the aggregate cost of that work, when completed, \$8,118,616 38. The amount realized from the sale of town lots, inclusive of sales made in 1836, and up to the present time, is \$486,448 75. The amount of sales of town lots and miscellaneous sales of wood and timber to contractors, inclusive of those made in 1836, and up to the present time, is \$1,419,727 50, and the amount of bills receivable up to the present date, is \$1,047,654. Of this sum, \$847,470 75 was forfeited. The purchasers, however, of the Canal property have the right, under an act passed by the Legislature at its last session, to cancel their notes by the execution of new obligations payable within twenty years, with six per cent. interest, per annum, on the amount due. The amount of unsold Canal Lands, as I before remarked, is 270,182 acres, making the

estimated amount of Canal property (assuming said land to be worth \$5,500,000,) \$7,034,102 35, leaving a balance against the Canal of only \$1,084,513 63, the greater part of which, I am persuaded, can be realized from contingent resources.

The failure to negotiate loans for the prosecution of this work, aside from the derangement of the financial affairs of this country and Europe, is in a great manner attributable to that provision in the law rendering the payments of interest annually. The interest accruing on all other bonds issued by the State, and as far as I am advised, by all our sister States, is stipulated to be paid semi-annually or quarterly, which of course gives them the precedence in the market. It would, therefore, seem indispensable that the Canal Stock should be placed, in this respect, upon an equality with other stocks issued for similar purposes.

A loan of \$1,000,000 effected by Gov. Reynolds and Gen. Rawlings in April last, from the U. States Bank, payable in instalments of \$100,000 per month, for ten successive months, was obtained upon very unfavorable terms.

By the stipulations of this contract, I was compelled to incur great expense and hazard to the State in the transportation of the instalments from Philadelphia to Chicago as they became due. For more full information, however, upon this subject, a copy of the contract, together with the copy of one entered into with Mr. John DeLafield of the City of New York, for the sale of \$300,000 of State Bonds, (being the amount loaned to the Canal Fund out of the Internal Improvement Fund under an act approved January 21st, A. D. 1839) are herewith transmitted, marked "B."

On the first day of June last, a deficit of \$208,000 had accrued against the Canal Fund. The expenses upon that work from the 1st. day of May, until the first day of August inclusive, not varying much from \$150,000 per month, exceeded the monthly instalments due from the United States Bank, about \$50,000. To supply this deficit, I placed in the hands of Gen. Thornton, \$500,000 of State Bonds, to be sold by him at Chicago; \$100,000 of which he has sold at a premium of one per cent., but not finding a market for the residue, an arrangement was entered into by him, with the State Bank of Illinois, in the month of July last, to transfer to that Bank the remaining seven instalments of \$100,000 each as they become due from the United States Bank to the Canal Fund, to which I assented. By this negotiation, the State Bank agreed to increase the instalments so as to avoid a suspension of operations upon a portion, if not all the work on the Canal, thus saving an immense sacrifice to the contractors, and loss to the State, as well as the consequent risk and expense attending the transportation of the instalments from Philadelphia to Chicago. The terms of this arrangement, also are transmitted, marked "C."

On the 18th day of September last, Gov. Reynolds entered into an arrangement with the State Bank of Illinois for the additional sale of \$1,000,000 of Canal Stock, by which he agreed to pay the accruing interest semi-annually, at the rate of six per cent., per annum; and on the 19th of the same month, he contracted with Anson H. Bangs, agent on behalf of the Farmers' and Mechanics' Bank of Onondaga, located at Fayetteville, in the State of New York, for the sale of \$500,000 more, and agreed

that the accruing interest thereon should be paid quarterly. Both of these contracts remain open for your inspection and ultimate decision, (having been declined by me on the ground of legal objections) and are herewith transmitted marked "D."

All negotiations for the sale of Illinois stocks, and the stocks of other States so far as I have learned, during the past year, have been attended with great expence and disadvantage; and similar difficulties must be encountered in our future operations while the money markets remain depressed. The policy of placing our stocks in the European markets, I have always doubted, but of its inexpediency, at the present time, there can be no question; to say nothing of a premium on their sale, it is impossible to realize par value in European currency; and to receive it in United States currency in our Eastern cities, would result in immense sacrifice. The sale of our Bonds in the United States, payable in pounds sterling, the interest and principal being made payable in Europe, (although the contract may fix the value of a dollar at *four shillings, six pence*) is calculated to produce difficulty and probably great loss. Should the debt, be liquidated in SILVER, other than the coinage of Great Britain, the dollar would only be worth about *four shillings, two pence*, which would be equal to eight per cent. discount; and if in GOLD, it would be still greater, the standard value of a *British Sovereign* in this country, being \$4.87, and in Europe only equal to \$4.44, which would exceed 9½ per cent. discount. If paid in Bills of Exchange, it would in that event, depend upon the difference of exchange at the time of payment. This subject merits your attention, whether viewed in reference to sales already made, or those which may hereafter be effected. All future negotiations should be dictated by sound policy, wisdom and prudence, and all expenditures judiciously and economically applied.

Having thus placed this important part of our stupendous system of public works, with the prospects and difficulties belonging to the same before you; it only remains for me to suggest a measure of relief. As a means of conducting the operations on the canal to a successful termination, bringing the residue of its lands into market, to be disposed of on such terms as may enable the State to meet with promptitude, the interest accruing upon her bonds, seems to me, a plan as plausible as any that can be recommended.

In the present exigency of affairs, it seems to my mind that the resources of the canal should be called into requisition by the sale of such portion of the lands donated by the General Government as would equal the liabilities which the State may have contracted from time to time for the prosecution of that work, extending to the purchasers a credit commensurate with the time of the final redemption of the bonds sold the purchasers, paying interest on the amount at the rate of six per cent. per annum. By this means the interest on the sales would meet the interest on the money borrowed, and the principal the final redemption of the bonds.

An arrangement was entered into with the Bank of Illinois, for advances in anticipation of the instalments which would become due from the Poughkeepsie Locomotive Engine Company, at the Atlantic Bank, New York, upon a loan of \$128,000, negotiated under an act to authorize a loan for revenue purposes, approved March 1st, 1839. This arrangement was made with the Bank of Illinois, in consequence of the State Bank

having refused to pay the warrants of the Auditor drawn in favor of the State House Commissioners, and declining to advance a sum exceeding \$40,000 during the year.

Adhering in good faith to the terms of the agreement, the Bank of Illinois has already advanced \$80,097. The company, however, from whom the loan was obtained, seem disposed to avoid the payment of the money. A draft of \$16,000, (less \$200 expenses) payable November 1st, 1839, drawn by me upon them, being the first instalment due upon the loan has been presented for payment at the Atlantic Bank, and protested. This subject has been laid before the Attorney General, and is now presented for your consideration. The liberal and honorable course pursued by the Bank of Illinois, in furnishing means for the advancement of the State House, prompts me to recommend to you the propriety of your immediately indemnifying her against loss.

The revenue law passed at the last session has been a subject of much animadversion and dissatisfaction, and some of the counties, I regret to say, have resisted it by a refusal to assess their taxable property. Such proceedings should never be resorted to, and cannot be tolerated in a government like ours, where the people elect their own legislators, through whom they can only legitimately redress their grievances. There can be but little doubt of the equity and justice of the principle upon which the law is founded, that each individual should pay a tax in proportion to the value of his property, but its details are justly considered exceptionable, and call for a speedy revision. I would, therefore, recommend this matter to your consideration, and hope some mode will be provided by which its enforcement shall, in all cases, hereafter be insured.

It would have afforded me pleasure to have complied with the wish of a large respectable portion of my fellow-citizens in recommending a reduction of taxes, but the present revenue not being sufficient to defray the ordinary expenses of the State Government, precludes such a recommendation.

The present attitude assumed by the State Bank, since the date of my Proclamation, and the relations which subsist between that institution and the people, individually and collectively, present to your consideration questions of the gravest import. The isolated fact of the suspension of specie payments by the Bank and its branches on a former occasion was deemed of sufficient moment by my esteemed predecessor to justify a special convocation of the General Assembly. At that session an act was passed for the benefit of the Bank, which I have ever regarded as striking a fatal blow at the fundamental law of contracts. It cannot, indeed, be for a moment doubted by the most chimerical, that, if any holder of her bills, had instituted suit for the recovery of their value, the Act itself would have fallen powerless. Its only efficacy, therefore, was found in the relief it extended to the Bank by the preservation of her charter which otherwise would have terminated by the violation of her obligations.

A similar exigency having again presented itself in the affairs of this institution, I deem it my duty to submit to you my views upon this subject more fully than I have heretofore done. It is hardly necessary for me to say, however, that I regard the incorporation of companies for the regulation of the financial operations of the country, at war with the genius of a free government. Where there is no individual responsibility attached to the

members of the incorporation, the danger is doubly enhanced for all past experience proves that in such instances personal interest is almost universally paramount to the public weal.

Laying aside all constitutional questions growing out of this subject, it is manifest to my mind that the channels of business should not be filled up and controlled by a circulating medium which is susceptible of contraction and expansion at pleasure. Permanent and fixed laws which dispense their blessings with equal justice will only ensure stability to our free institutions, and guaranty the perpetuation of American Liberty, and how can we expect to reap the advantages of such enactments for the regulation of the currency, if this power, important and vast in itself, is entrusted to the care of an irresponsible corporation, who may have millions in circulation to-day and to-morrow contract their issues, force the payment of debts, and spread gloom and desolation where there was, at least, the semblance of prosperity and happiness. But it may be interposed that as banks have been so extensively established in our country, and are so intimately connected with every department of trade and consequently interwoven with the various relations of social and political life, it would be a suicidal policy to destroy them. Whatever force there may be in this argument to justify their longer continuance, it cannot in any event guaranty permanency to our monetary affairs or plead, in justification of a suspension of specie payments: it can only be urged, in extenuation of what is claimed to be a necessary evil, so deeply and firmly rooted, that we are told, it cannot be eradicated without destroying the country. Is this possible? Can it be true that we are already under the dominion of monied oligarchies? and that an inflated paper circulating medium is as essential to the support of the government as the heart to the organic system? If so, we stand on a fearful and alarming precipice, erected by error and sanctified by time, from which it is our duty to extricate ourselves as speedily as possible.

The truth is, and it no longer admits of doubt, that the banking system, generally, is radically defective and unsanctioned by any principle of republican virtue. How can the fluctuations, to which the representative wealth of our country is continually subject, be otherwise satisfactorily accounted for. But the evil is not confined to the fundamental errors of the system. Its tendency and practical results leave their impress on the community, individually and collectively. A sudden and unnatural increase of paper currency imparts a fictitious value to property, and engenders a wild and extravagant spirit of speculation. Many are allured by its fascinations from the paths of honest industry in the hope of accumulating wealth by some fortunate enterprise. Facilities being easily obtained, they contract debts which finally overwhelm them in ruin. But at the moment when times become oppressive and they require aid, the banks refuse to extend further accommodations—force the payment of obligations due them, and not unfrequently refuse, at the same time, to redeem their own bills. The State Bank of Illinois, stands in this humiliating relation to the people at the present period, and it remains for you to determine, gentlemen, whether relief shall be extended to her, if any shall be solicited. If she is suffered, biennially, to set at defiance the will of the community—the law of her existence, and every principle of justice and moral honesty, by the suspension of specie payments, what special favors

does she merit at your hands, and by what arguments are patriotic sympathies to be awakened in her behalf, or liberal and enlarged provisions enacted which would only tend to diminish accountability and promptitude in the proper discharge of her lawful duties. Had the proposition been submitted to the Legislature which passed its charter, to give the bank the privilege of refusing to redeem her bills on presentation, when the banks of New York, Philadelphia and Baltimore should refuse to redeem theirs, and to resume only on the condition of their resumption, it would have been regarded as too absurd and monstrous to receive a moments consideration. Yet experience proves that such is the tendency and effect of power, that corporations frequently obtain from subsequent Legislatures, that, which at first would have been denied them. To my mind no exigency can possibly happen to justify the refusal of the bank to pay her obligations at maturity. And a State institution like our own, which, since its establishment, has continually urged her claims upon the Legislature—an institution, the measure of whose endowments and privileges has been alone limited by her own demands—an institution so powerful in itself and yet so inefficient in extending aid, has few motives to present for the further exercise of legislative relief. Rigid accountability should supercede the indulgence she has heretofore received.

Three years ago the amount of the capital stock of the Bank was augmented by subscription, on the part of the State, to \$2,000,000, with the view of affording increased facilities to mercantile operations, and extending aid to the agricultural, and other important interests of the State. How far the ends proposed by that augmentation of its capital, may have been realized on the interests upon which the measure was designed to operate, cannot, with certainty, be ascertained. The important enquiry, however, naturally arises, whether the Bank, with such vast accession to her capital, has extended relief commensurate with her increased means and ability. It has been asserted, (with what truth I leave you to determine,) that instead of confining her operations within the provisions of her charter, and the ordinary functions which properly pertain to a just exercise of her privileges, and furnishing that assistance and aid to the State in the prosecution of her public works, which she in honor and good faith was bound to do, she has engaged in speculating in the staple products of the country, or furnishing the greater part of her capital to a few favourite individuals for this purpose to the exclusion and detriment of the community generally. The deep and abiding solicitude with which this subject is entertained by the people, and the vast interest the State has at stake in the proper management of the Bank, render a rigid and impartial investigation into her condition highly important. If she is innocent, she should with pride and pleasure solicit this investigation. If she is guilty of improper conduct, let her answer the consequences. It would be far better for the State that there should be, at once, a forfeiture of her charter, than that she should go on accumulating power, and yet disregarding her duty and that faith which she should maintain to the public. We indeed laboured in vain in overthrowing the Bank of the United States, if we should now draw to our embrace an institution above responsibility and capable of inflicting within its own sphere a still more deadly sting. I therefore, respectfully recommend that no law be passed to legalize the suspension of specie payment on the part of the Bank,

and that you institute a rigid and thorough examination into its condition. As the Bank of Illinois has continued, through all the present financial embarrassments of the country, to redeem her notes, and as Banks in other States have not generally suspended, I cannot divine why the State Bank should close her doors and again plead inability, by the non-payment of her notes, to comply with her existing obligations.

Gentlemen it is unnecessary for me to remind you of the weighty and almost fearful responsibility which the exercise of your functions at this time imposes upon you. The future destiny of the State, for weal or for woe, will depend upon your action. I hope and trust that no motives but those of the purest and most devoted patriotism will mingle with your deliberations, and that all your measures will be dictated by wisdom and enlightened policy. May you act in such manner as will meet the approbation of the people and your own consciences, and may the blessings of heaven crown your exertions with success and render the people prosperous and happy.

THOS. CARLIN.

Springfield, Dec. 10, 1839.

Which having been read, was,

On motion of Mr. Witt,

Laid on the table.

Mr. Murray moved that five thousand copies thereof, be ordered to be printed; which was decided in the affirmative.

Mr. Speaker laid before the Senate, a communication in writing from the State Bank of Illinois;

Which was read, and,

On motion of Mr. Davidson,

Laid on the table.

On motion of Mr. Gatewood,

One thousand copies thereof were ordered to be printed for the use of the Senate.

Mr. Fithian moved the following resolution, which was read and adopted; viz:

Resolved, That Reporters for the Sangamon Journal and the State Register, be permitted to take seats within the bar of the Senate during the present session.

On motion,

The Senate adjourned.

THURSDAY, DECEMBER 12, 1839.

Senate met pursuant to adjournment.

On motion,

The Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Herndon moved the adoption of the following resolution, viz:

Resolved, That the Senate adjourn to meet again to-morrow morning at the regular hour of adjournment in the Campbellite church.

Mr. Gatewood moved to amend said resolution, by adding the words "the House of Representatives first agreeing thereto;" which was accepted by Mr. Herndon as a modification of the original resolution.

Mr. Hacker then moved to amend said resolution by striking out the words "Campbellite church," and inserting the words "Methodist Episcopal church house;" which was agreed to.

When,

On motion of Mr. Davidsen,

The words "the House of Representatives first agreeing thereto" were stricken out, and,

The question recurring on the adoption of the resolution as amended;
It was decided in the affirmative.

And the Senate stood adjourned accordingly.

FRIDAY, DECEMBER 13, 1839.

Senate met pursuant to adjournment.

On motion of Mr. Ross,

The following resolution was adopted, viz:

Resolved, That the Senate adjourn until Monday next, to give time for the Sergeant-at-arms to fit up this House for the accommodation of the Senate during the present session.

On motion,

The Senate adjourned.

MONDAY, DECEMBER 16, 1839.

Senate met pursuant to adjournment.

Mr. Gatewood moved the adoption of the following resolution, viz:

Resolved, That the Secretary of the Senate respectfully call upon his Excellency, the Governor, and that he be requested to furnish the Senate the several communications referred to in his message as "documents marked A., B., C. and D., and that 500 copies of the same be printed for the use of the Senate; which was read and adopted.

Mr. Richardson moved the adoption of the following resolution, viz:

Resolved by the Senate, the House of Representatives concurring herein, That the two Houses will meet in the Hall of the House of Representatives in joint meeting, at 3 o'clock this evening, for the purpose of pro-

ceeding to the election of Judges of the eighth and fifth Judicial Circuits of the State of Illinois; which was not agreed to.

On motion,

The Senate adjourned.

TUESDAY, DECEMBER 17, 1839.

Senate met pursuant to adjournment.

A message from the Governor, by A. P. Field, Secretary of State:

Mr. Speaker: I am directed by the Governor to lay before the Senaté, a communication in writing. And he withdrew.

Mr. Davidson presented the petition of Rebecca Ann P. Devault, praying to be divorced, and,

On motion of Mr. Davidson,

The reading of the same was dispensed with, and referred to the committee on the Judiciary.

Mr. Richardson presented the Petition of William Burk and others, citizens of the counties of Adams and Schuyler, praying the location of a State road from Quincy to Brooklin city; and,

On motion of Mr. Richardson,

The reading of the same was dispensed with, and referred to the committee on Petitions.

Mr. Greer presented the petition of Idiey Jones, praying to be divorced, and,

On motion of Mr. Greer,

The reading of the same was dispensed with, and referred to the committee on the Judiciary.

Mr. Weatherford offered the following resolution, viz:

Resolved, That so much of the Governor's message as relates to the canal and canal lands, be referred to the committee on Canals and Canal Lands; which was read and adopted.

Mr. Borough offered the following resolution, viz:

Resolved, That so much of the Governor's message as relates to the revenue law, be referred to the committee on Finance; which was read and adopted.

Mr. Hacker offered the following resolution, viz:

Resolved, That so much of the Governor's message as relates to Internal Improvements, be referred to the committee on Internal Improvements; which was read and adopted.

Mr. Ross moved the adoption of the following resolutions, viz:

Resolved, That the committee on the Judiciary be, and they are hereby instructed to report a bill for "An act defining the tenure and duration of the office of Secretary of State.

Resolved, That the committee on the Judiciary be, and they are hereby instructed to report a bill for, "An act defining the tenure and duration of the office of Clerk of the Circuit Courts of this State;" which was read.

Mr. Murray called for a division of the question; whereupon,

On motion of Mr. Hacker,

Said resolutions were laid on the table.

Mr. Davidson offered the following resolution, viz:

Resolved, That the Auditor of Public Accounts be requested to communicate to the Senate, a tabular statement of the amount and kinds of property, both real and personal, assessed in the several counties of this State during the present year, according to the provisions of the law, entitled "An act concerning the public revenue;" and that the auditor be also required to inform the Senate what counties have refused or neglected to assess and collect a revenue under the new revenue law; which was read and adopted.

Mr. Richardson moved the adoption of the following resolution, viz:

Resolved by the Senate, the House of Representatives concurring herein, That the two Houses meet in the Hall of the House of Representatives this day at 3 o'clock, P. M., for the purpose of electing Judges of the fifth and eighth Judicial Circuits of the State of Illinois; which was read, Whereupon,

Mr. Ross moved to lay the same on the table; which was not agreed to. And the question recurring on the adoption of the resolution, It was decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Little offered the following resolution, viz:

Resolved, That the committee on Public Roads be instructed to report a bill giving to the county commissioners' courts of the several counties discretionary power as to the appointment of viewers of roads, and likewise as to the acceptance or rejection of the reports of such viewers; which was read and adopted.

Mr. Ross moved the adoption of the following resolution, viz:

Resolved by the Senate, the House of Representatives concurring herein, That the Commissioners of the Board of Public Works forthwith dismiss from the service of the State, all engineers, draftsmen, servants and others, except such persons as may be required to continue in operation the cars on that part of the Northern Cross railroad, between Jacksonville and Meredosia, which is now in operation; which was read, and,

On motion of Mr. Hacker,

Referred to the committee on Internal Improvements.

Mr. Browning offered the following resolutions, viz:

Resolved, That the Governor be requested to inform the Senate what number of agents he has appointed to negotiate loans for canal purposes, under the provisions of "An act to provide for a loan for canal purposes," approved February 23, 1839; who such agents were, and what compensation they are to receive for their services, and whether any thing has yet been paid them, and if so, how much, out of what fund and by whom paid; also, whether said agents have borrowed any money for canal purposes, and if so, how much, of whom, and upon what terms.

Resolved, That the Governor be also requested to inform the Senate whether he has employed any other agent or agents under the provisions of said law, than those who were appointed to negotiate loans, if so, who were such additional agents, what duties did they perform, and what

compensation did they receive therefor; which were severally read and adopted.

Mr. Weatherford offered the following resolution, viz:

Resolved, That so much of the Governor's message as relates to the loan negotiated by Governor Reynolds for canal and other purposes, be referred to the committee on Finance; which was read and adopted.

Mr. Nunnally offered the following preamble and resolution for adoption, viz:

Whereas, the improvement of the navigation of the Great Wabash river is a subject of much importance to those residing in its vicinity, as also to the people of the State generally; *And whereas*, there is an anxiety properly manifested by the people to ascertain the amount of money set apart to improve the navigation of said river, as also the plan and extent of the improvement made, and the cost of the same therefor.

Resolved by the Senate, That his Excellency, the Governor, be requested to transmit to the Senate all the information in his possession, or that he can readily obtain in relation to the amount of money appropriated to improve the navigation of said river; also, the plan and extent of the work done, and the cost of the same; which were read and adopted.

Mr. Browning offered the following resolution, viz:

Resolved, That the Fund Commissioners be required to lay before the Senate copies of all contracts which they have entered into for the sale of State Bonds since the 1st day of March, 1839; which was read and adopted.

Mr. Fithian offered the following resolution, viz:

Resolved, That the President of the State Bank of Illinois be requested to furnish the Senate with a tabular statement, shewing the amount due the Bank from residents of each county in this State, stating the amount loaned upon real estate in each county, without naming the debtors to the Bank; which was read and adopted.

Mr. Davidson offered for adoption the following resolution, viz:

Resolved, That the committee on Internal Improvements be required to report to the Senate, a bill providing for a suspension of all operations upon the Public Works of this State, until the 1st of January, 1841. Thus affording to the people of the State, by the election of another Legislature, an opportunity of expressing their opinion upon this all important subject; which was read, and,

On motion of Mr. Davidson,

Referred to the committee of the whole Senate, and made the order of the day for Monday next.

Mr. Little asked and obtained leave to introduce a bill entitled, a bill for "An act to amend an act, entitled 'An act concerning justices of the peace and constables,'" approved February 3, 1827;" which was read, and

Ordered to a second reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, and the said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Monroe asked and obtained leave to introduce a bill, entitled "An act to amend an act concerning the public revenue;" which was read, and

Ordered to a second reading.

On motion of Mr. Hacker,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Harrison asked and obtained leave to introduce a bill entitled, "An act to attach the county of Lee to the sixth Judicial District;" which was read, and

Ordered to a second reading.

Mr. Hamlin asked and obtained leave to introduce a bill entitled, "An act to provide for holding an additional term of the Circuit Court in the county of Peoria;" which was read, and

Ordered to a second reading.

Mr. Greer asked and obtained leave to introduce a bill entitled, "An act to authorize the county court of Lawrence county to build a bridge across the Embarrass river;" which was read, and

Ordered to a second reading.

On motion of Mr. Greer,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and

Ordered to be engrossed and read a third time.

Mr. Woodworth asked and obtained leave to introduce a bill, entitled "An act to amend an act entitled, 'An act to incorporate the Union Agricultural Society;'" which was read, and

Ordered to a second reading.

On motion of Mr. Woodworth,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and referred to the committee on the Judiciary.

A message from the House of Representatives, by I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate that they have adopted the following resolutions, in which they ask the concurrence of the Senate, viz:

Resolved by the House of Representatives, the Senate concurring herein, That there shall be elected at the present session of the General Assembly, three competent persons well skilled in the laws, to revise and condense all laws of a general nature of this State, that shall be in force at the end of the present session of the General Assembly; and that they be required to lay the same before the next General Assembly, accompanied with a full and perfect index thereto.

Resolved, That in conformity with the recommendation of the Governor in his late message to this House, a joint select committee of seven on the part of the House and five on the part of the Senate, be appointed to examine into the official acts and doings of the Board of Public Works, including all their books, papers, vouchers and correspondence, and especially of the disposition of their contingent expenses, with power to send for persons and papers; and that Messrs. Murphy of Vermilion, Churchill, Craig, Rawalt, Cloud, Robert Smith and Edwards, be the committee on the part of the House.

Resolved by the House of Representatives, the Senate concurring herein, That our Senators in Congress be instructed, and our Representatives be requested to use their best exertions to procure a donation to the States of

Indiana and Illinois, of six hundred thousand acres of the public lands remaining unsold, and lying within said States, the proceeds of which shall constitute a joint fund to be applied to the improvement of the Great Wabash river.

Resolved, That the Governor of the State be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Resolved by the House of Representatives, the Senate concurring herein, That a joint select committee of five on the part of the House, and three on the part of the Senate, be appointed to examine into the condition of the State Bank of Illinois, and also, into any charge which may be preferred against said Bank, and that they have power to send for persons and papers; and have appointed Messrs. Ficklin, Happy, Murphy of Cook, Baker and Moore, the committee on their part.

In the adoption of which resolutions, they ask the concurrence of the Senate. And he withdrew.

Mr. Herndon asked and obtained leave to introduce a bill entitled, "An act authorizing county recorders to take acknowledgments of deeds and other instruments of writing;" which was read, and

Ordered to a second reading.

On motion of Mr. Herndon,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Little from the committee on Petitions to which was referred the petition of sundry citizens of La Harpe, in Hancock county, praying for an additional justice of the peace, &c., reported a bill entitled, "An act authorizing an additional justice of the peace in La Harpe district in Hancock county;" which was read, and

Ordered to a second reading.

On motion of Mr. Davidson,

The rule of the Senate was suspended,

Whereupon,

Mr. Weatherford moved the adoption of the following resolution viz:

Resolved, That a special messenger be elected by the Senate, whose duty shall be to bear messages from this body to the House of Representatives, and perform such other duties as shall be assigned him by the Chair; which was read, and

On motion of Mr. Herndon,

Laid on the table until the 4th day of July next.

A message from the House of Representatives, by I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the adoption of the following resolution, viz:

"Resolved by the Senate, the House of Representatives concurring herein, That the two Houses meet in the Hall of the House of Representatives this day at 3 o'clock, P. M., for the purpose of electing Judges of the fifth and eighth Judicial Circuits of the State of Illinois." And he withdrew.

The resolution offered some days since by Mr. Monroe, in relation to

the appointment of a joint select committee to examine into the affairs of the State Bank of Illinois, was taken up and read,

Whereupon,

Mr. Herndon moved to lay the same on the table until the 22d day of the present month; which was not agreed to.

Mr. Herndon moved to add the following amendment, viz:

"And all other charges that may be preferred against said Bank or Branches by any person or persons;"

Whereupon,

On motion of Mr. Richardson,

The said resolution together with the proposed amendment was laid on the table.

The message from the House of Representatives, containing sundry resolutions received this morning, was then taken up and read.

On motion of Mr. Browning,

The first resolution contained in said message in relation to the election of three suitable persons well skilled in the laws, to revise and condense the laws of this State, was referred to the committee on the Judiciary.

The resolution having for its object the appointment of a joint select committee to examine into the acts and official doings of the Board of Public Works, was read and concurred in.

Ordered, That Messrs. Gatewood, Browning, Johnston, Richardson and Hacker, be the committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

The resolution instructing our Senators and requesting our Representatives in Congress to use their best exertions to procure the donation of six hundred thousand acres of public lands for the improvement of the Great Wabash river, was read and concurred in.

Ordered, That the Secretary inform the House of Representatives thereof.

The resolution contained in said message having for its object the appointment of a joint select committee to examine into the affairs of the State Bank of Illinois, was read,

Whereupon,

Mr. Hacker moved to amend said resolution by striking out all after the word "resolved," and insert the following, to wit:

"By the Senate, the House of Representatives concurring herein, That a joint select committee of eight, three on the part of the Senate and five on the part of the House, be appointed to examine into the condition of the State Bank of Illinois and Branches, and that said committee have power to send for persons and papers, and compel their attendance; That said committee enquire whether or not the State Bank of Illinois has forfeited its charter; what ratio of its discounts have been to persons living out of the State; what have been the transactions of the State Bank of Illinois with the house of Nevins and Townsend, of the city of New York; what loans, if any, have been made to them either directly or indirectly, on the discount of paper or in the collection of bills drawn on New York and sent to them by the Bank, or by placing in their possession funds collected for the Bank by other institutions; what portion of the stock of the State Bank subscribed for by the aforesaid house of

Nevins and Townsend, and also by Samuel Wiggins, of Cincinnati, has been paid in, both of the original stock and of the one million which the Bank was permitted to sell; and also, what interest, if any, has been paid by said house of Nevins and Townsend for those loans and deposits; and also, whether the Bank did not refuse to accommodate the community with eastern exchange during the time heavy balances were in the hands of the house aforesaid; also, what are the nature of the transactions of the Bank with the house of Denman, of Philadelphia; whether any, if any, what loans have been made them, and whether they were permitted the free use of any, or all monies collected by the falling due of Bills drawn on them on account of pork, bacon, lard, lead, &c., shipped to them by the Bank, and whether any bills drawn on them have been renewed to prevent protests; also, what are now and have been the character of the transactions of the Bank, if any, with the house of Griggs and Weld, of Boston, and what the amount of debt due at any time by the said house to the Bank, its present extent, security, &c.; also, what have been, and are now, the character and extent of loans by the Bank to houses in the city of St. Louis, and to the Bank of Missouri; also, whether the Bank has been engaged in speculations either in lead, lands or any other property; also, what amount has been or probably will be lost at the Branches at Chicago, Alton and Galena, the amount of suspended debt at those Branches, what portion to citizens of the State, and what to non-residents, and the nature of the security taken in all those cases; also, what is, and has been the amount of loans to the principal dealers at those branches, what proportion of those debts has been on business paper, what on accommodation loans, and what on bills of exchange, and whether said bills have not been frequently taken up at maturity, not with cash but by accommodation paper; what portion of the loans to citizens of this State have been to Bank Directors; also, whether the Bank has not been governed by partiality and favoritism in some of its discounts and accommodations; also, the character of the transaction between the acting Fund Commissioner and the President of the Bank in the negotiation of the bonds sold to constitute the stock owned by the State in that institution, and if the bonds at or since the time of purchase by the Bank could not have been sold for cash at or above par, and why said bonds were not sold; also, whether any money has been paid in, to represent the stock of the State in said Bank; whether the Bank has not dealt unfairly in declaring dividends and reporting means as available, which are in reality unavailable and in bad debts; And also, whether houses connected with some of the principal officers of the Bank have not been accommodated largely to the exclusion of others equally solvent.

Whereupon,

Mr. Herndon moved to amend by adding the following, viz:

"And all other charges that may be preferred against said Bank or Branches by any person or persons;" which was agreed to.

And the amendment as amended, was adopted.

The question then recurring on the adoption of the resolution, as amended;

It was decided in the affirmative.

Ordered, That Messrs. Monroe, Woodworth and Wood, be the committee on the part of the Senate, and that the Secretary inform the House

of Representatives thereof, and ask their concurrence in the amendment thereto.

On motion of Mr. Browning,

The rule of the Senate was dispensed with;

Whereupon,

Mr. Browning offered the following resolution, viz:

Resolved, That the President and Directors of the State Bank of Illinois be requested to inform the Senate whether the two millions of State Bonds taken by the Bank for the subscription of stock on the part of the State have been sold, or hypothecated by the Bank, and if they have not, what disposition has been made of said State Bonds; which was read and adopted.

On motion,

The Senate adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate the report of the Auditor of Public Accounts, showing the receipts and expenditures at the Treasury during the year ending on the 1st of December, 1839; also a copy of the report of the Fund Commissioners and copies of contracts made for the sale of State Bonds; which were read, and,

On motion of Mr. Browning,

Laid on the table, and ordered to be printed for the use of the Senate.

Mr. Speaker laid before the Senate the following communication from his Excellency, the Governor, viz:

EXECUTIVE DEPARTMENT,

Springfield, December 17, 1839.

To the Hon. the SPEAKER

of the Senate:

SIR: I have the honor to inform the Senate that since the adjournment of the last Legislature, vacancies have occurred in the offices of Judge of the fifth and eighth Judicial Circuits, by the resignation of the Hon. S. T. Logan and James H. Ralston, which will devolve on you the necessity of filling those vacancies before the adjournment of the Legislature.

I have the honor to be Sir,

Your obedient servant,

THO. CARLIN.

Which was read, and,

On motion of Mr. Fletcher,

Laid on the table.

Mr. Speaker laid before the Senate, the report of the Auditor of Public Accounts relative to the adjustment of the accounts between the State and the Illinois and Michigan canal; which was read, and,

On motion of Mr. Browning,

Laid on the table, and ordered to be printed, for the use of the Senate.

On motion of Mr. Monroe,
The rule of the Senate was dispensed with;
Whereupon,

Mr. Monroe offered the following resolution, viz:

Resolved, That the Board of Public Works be requested to furnish this House with their reasons for not having furnished the Governor with the reports of their Board as the law directs, and also the reasons for not having made prompt payments of estimates to contractors as indicated in his message to both branches of the General Assembly, at the present session; which was read and adopted.

A message from the House of Representatives, by I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate that the House is now ready to meet them in joint meeting, pursuant to a joint resolution, for the purpose of electing Judges for the fifth and eighth Judicial Circuits. And he withdrew.

Whereupon,

The Senate, preceded by their Speaker, proceeded to the Hall of the House of Representatives, and the two Houses then proceeded to the election of Judges for the fifth and eighth Judicial Circuits.

Mr. Nunnally, of the Senate, and Mr. English, of the House of Representatives, were appointed tellers, and the votes being counted stood thus:

For Peter Lott, as Judge of the fifth Judicial Circuit—106.

For Samuel H. Treat, as Judge of the eighth Judicial Circuit—107.

Scattering—20.

Peter Lott and Samuel H. Treat having received a majority of all the votes given as Judge for their respective Circuits, were severally declared by the Speaker to be duly elected.

Whereupon,

The Senate returned to their Chamber.

On motion,

The Senate adjourned.

WEDNESDAY, DECEMBER 18, 1839.

Senate met pursuant to adjournment.

Mr. Witt presented the petition of sundry citizens of Jersey county, praying that a law be passed authorizing the county commissioners' court of Jersey county, to appropriate six thousand dollars for the construction of a turnpike road from Jerseyville to Grafton in said county; and,

On motion of Mr. Witt,

The reading of the same was dispensed with, and referred to a select committee.

Ordered, That Messrs. Witt, Weatherford and Bostwick, be that committee.

Mr. Ross presented the petition of sundry citizens of Pike county, praying for a change of a certain State road, and,

On motion of Mr. Ross,

The reading of the same was dispensed with, and referred to the committee on Petitions.

Mr. Gatewood presented the petition of William L. May, concerning a ferry across the Illinois River; which was read,

Whereupon,

Mr. Gatewood moved to refer the same to a select committee.

Mr. Hamlin moved to amend said motion, so as to make it a motion to refer to the committee on Petitions; which was not agreed to.

And the question recurring on the motion to refer to a select committee, It was decided in the affirmative.

Ordered, That Messrs. Gatewood, Hamlin and Mitchell, be that committee.

Mr. Servant, from the select committee, to which was referred the petition of John W. Slade and others, praying to change the name of the town of Columbus, in the county of Randolph, reported a bill, entitled "An act to change the name of the town of Columbus, in the county of Randolph;" which was read, and

Ordered to a second reading.

Mr. Servant, from the select committee to which was referred the petition of James Giles pie and others, praying the incorporation of Shiloh College, &c., reported a bill, entitled "An act to incorporate Shiloh College;" which was read, and

Ordered to a second reading.

Mr. Fithian, from the select committee, to which was referred the petition of John Villiers, praying the vacation of the town plat of Shepherdstown, reported a bill, entitled "An act to vacate the town plat of Shepherdstown;" which was read, and

Ordered to a second reading.

On motion of Mr. Gatewood,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

Mr. Browning moved the adoption of the following resolution, viz:

Resolved, That the committee on Finance be instructed to inquire and report to the Senate, whether the Bank of Illinois, at Shawneetown, has at any time since the 1st day of March last, suspended or refused payment in gold and silver of any of its notes, bills or obligations, or whether said Bank continues to pay specie for its bills and notes as stated in the Governor's message; and if said Bank has suspended specie payments, that said committee then inquire whether said Bank has or has not forfeited its charter by such suspension.

Mr. Gatewood moved to strike out the word "Finance" and insert the "Judiciary" in lieu thereof; which was agreed to.

And the resolution, as amended, was adopted.

Mr. Gatewood offered the following resolution, viz:

Resolved, That his Excellency, the Governor of Illinois, be respectfully requested to lay before the Senate the correspondence between himself and others appointed by him to negotiate loans for the canal; and also to

inform the Senate if in his power, whether Judge Young, one of those agents, drew on London in favor of the Bank of the United States for £10,000 of the funds borrowed in London by the Fund Commissioners for the use of the Internal Improvement system, and if so, by what authority he has done the same; which was read and adopted.

Mr. Herndon offered the following resolution, viz:

Resolved, That the Commissioners of Public Works, be instructed to report to this House the number of lots purchased by them in Springfield, the extent of the buildings erected thereon, and for what purpose the cost of said lot or lots and houses if any, and by what authority did they make such purchases, and the probable loss to the State, should such property now be offered for sale, if any; which was read and adopted.

Mr. Gatewood offered the following resolution, viz:

Resolved, That his Excellency, the Governor, be respectfully requested to inform the Senate whether the interest due in July, 1839, on the canal loans, has been paid, and also if arrangements are made for the payment of the interest on said loans, 1st January 1840, if so, of what particular fund; which was read, and adopted.

Mr. Gatewood offered the following resolution, viz:

Resolved, That the Fund Commissioners inform the Senate, whether the loan from the Internal Improvement fund to the canal fund by the act for that purpose, approved January 1, 1839, has been returned with the interest due thereon as stipulated by said act; which was read and adopted.

A message from the House of Representatives, by Mr. I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, to wit:

"An act to establish a State road in the counties of Cook and Lake;"

"An act to locate a State road from Ottawa by Belvidere, to the State line in the direction of Belvit;"

"An act to amend the act establishing the county of Williamson, approved February 28, 1839;"

"An act to amend an act, entitled 'An act to vacate the survey and plat of the town of Midleton;"

"An act to amend an act, entitled 'An act to provide for certain improvements in Pike county;"

"An act to legalize the assessment of taxes for the county of DuPage;"

"An act to vacate a part of the plat of the town of Shepherdstown;" and

"An act for the relief of Lake county."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

Mr. Herndon moved the adoption of the following resolution, viz:

Resolved, That the President of the State Bank be requested to report to this House at as early a day as possible, the amount of loans obtained by each stock-holder, director, or Bank attorney, upon accommodation or commercial paper or by bills drawn or otherwise, since the organization of the Bank; and the amount now due the Bank by such stock-holder, director, or Bank attorney; and also, report to this House the amount of loans obtained by any other individual in any wise whatever, where the

amount exceeds thirty thousand dollars, the residences of such person or persons.

Mr. Servant moved to lay the same on the table;

Which was decided in the negative, ayes—15, nays—24.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Butler, Davidson, Fithian, Gatewood, Greer, Harrison, Little, Mills, Mitchell, Monroe, Murray, and Servant—15.

Those who voted in the negative, are,

Messrs. Bostwick, Browning, Churchill, Fletcher, Gaston, Gibbs, Hacker, Hamlin, Hunter, Herndon, Johnston, Markley, Moore, Nunnally, Parrish, Richardson, Ross, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—24.

Mr. Servant moved to amend said resolution by adding the following, viz:

Resolved, That the President of said Bank be further requested to report to the Senate, whether the Hon. A. G. Herndon, has at any time borrowed or proposed to borrow from said Bank, any sum or sums of money, and if so, the amount he has so borrowed or proposed to borrow.

Mr. Hacker moved that the resolution, together with the proposed amendment be laid on the table, until the last day of the present session; which was decided in the affirmative, yeas 21, nays 18.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Butler, Davidson, Fithian, Gatewood, Gibbs, Greer, Hacker, Harrison, Little, Mills, Mitchell, Monroe, Murray, Ross, Servant, Sergeant, Stadden and Wood—21.

Those who voted in the negative, are,

Messrs. Bostwick, Browning, Churchill, Fletcher, Gaston, Hamlin, Hunter, Herndon, Johnston, Markley, Moore, Nunnally, Parrish, Richardson, Warren, Weatherford, Witt and Woodworth—18.

On motion,

The Senate adjourned.

THURSDAY, DECEMBER 19, 1839.

Senate met pursuant to adjournment.

A message from his Excellency, the Governor, by A. P. Field, Secretary of State:

Mr. Speaker: I am directed by the Governor, to lay before the Senate a communication in writing. And he withdrew.

Mr. Speaker announced that the communication just received from the Governor was upon Executive business;

Whereupon,

The doors were closed.

And upon the opening of the doors,

Mr. Speaker laid before the Senate the report of the Cashier of the Bank of Illinois at Shawneetown; which was read, and,

On motion of Mr. Weatherford,

Laid on the table and ordered to be printed for the use of the Senate.

Mr. Speaker laid before the Senate the report of the Board of Commissioners of Public Works in pursuance of a resolution of the Senate of the 17th inst., requesting them to furnish this House with their reasons for not furnishing the Governor with the reports of their Board as the law directs; which was read, and,

On motion of Mr. Ross,

Laid on the table.

Mr. Witt, from the select committee to which was referred the petition of sundry citizens of Jersey county, praying the passage of a law authorizing the county commissioners of Jersey county to appropriate six thousand dollars upon a road from Jerseyville to Grafton, reported a bill, entitled "An act supplemental to an act to authorize the county commissioners to construct certain roads in Greene county;" which was read, and

Ordered to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and

Ordered to be engrossed and read a third time.

Mr. Gatewood offered the following resolution for adoption, viz:

Resolved, That the committee on Internal Improvements, be instructed to report a bill prohibiting the assignment of drafts drawn by Commissioners of Public Works on the Board of Fund Commissioners.

Resolved, That the same committee be instructed to report a bill prohibiting, under a penalty, Commissioners of Public Works in any event from taking a receipt or transfer on their drafts and issuing certificates by them promising to pay contractors the amount of such draft when money should be received by them.

Resolved, That the said committee inquire whether the Board of Commissioners of Public Works have done so; which were severally read and adopted.

Mr. Gatewood moved the adoption of the following resolution, viz:

Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of suspending all further operations on the various rail roads in this State, except on the lettings first made by the Board of Commissioners of Public Works, and also to provide for the more vigorous prosecution of the Central railroad; which was read, and,

On motion of Mr. Gatewood,

Referred to the same committee of the whole Senate to which was referred a resolution on the same subject, offered by Mr. Davidson.

Mr. Woodworth asked and obtained leave to introduce a bill, entitled "An act for the relief of partners and joint debtors;" which was read, and

Ordered to a second reading.

On motion of Mr. Woodworth.

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Monroe asked and obtained leave to introduce a bill, entitled "An act to amend an act, entitled 'An act to establish and maintain a general system of Internal Improvements;'" which was read, and

Ordered to a second reading.

On motion of Mr. Servant,

The rule of the Senate was dispensed with, and said bill read a second time by its title; Whereupon,

On motion of Mr. Monroe,

Said bill was referred to the same committee of the whole Senate, to which was referred the resolutions offered by Messrs. Davidson and Gatewood, on the same subject.

Mr. Mills asked and obtained leave to introduce a bill, entitled "An act to authorize the Commissioners of the Board of Public Works to settle with contractors upon Public Works;" which was read, and

Ordered to a second reading.

Mr. Stadden asked and obtained leave to introduce a bill, entitled "An act supplemental to the several acts in relation to justices of the peace and constables;" which was read, and

Ordered to a second reading.

On motion of Mr. Stadden,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Weatherford asked and obtained leave to introduce a bill, entitled "An act providing for the election of a Public Binder and defining his duty;" which was read, and

Ordered to a second reading.

On motion of Mr. Weatherford,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Finance.

Mr. Monroe asked and obtained leave to introduce a bill, entitled "An act for the relief of George M. Hanson;" which was read, and

Ordered to a second reading.

On motion of Mr. Monroe,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Petitions.

Mr. Churchill asked and obtained leave to introduce a bill, entitled "An act to amend 'An act to incorporate the Beet and Sugar, Silk and Vegetable Oil Manufacturing Company,' approved February 27, 1837;" which was read, and

Ordered to a second reading.

Mr. Woodworth asked and obtained leave to introduce a bill, entitled "An act to revive and continue in force an act, entitled 'An act to locate a certain State road therein mentioned,' approved February 27, 1839;" which was read, and

Ordered to a second reading.

On motion of Mr. Woodworth,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Public Roads.

Mr. Harrison asked and obtained leave to introduce a bill, entitled "An act to vacate a part of the State road from Rock Island to Savannah;" which was read, and

Ordered to a second reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, said bill was read a second time by its title, and referred to the committee on Public Roads.

Mr. Blackwell asked and obtained leave to introduce a bill, entitled "An act for the incorporation of the Fayette Steam Mill Company;" which was read, and

Ordered to a second reading.

On motion of Mr. Blackwell,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

On motion,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Witt moved to reconsider the vote taken this morning referring the bill introduced by Mr. Monroe, entitled "An act to amend an act, entitled 'An act to establish and maintain a general system of Internal Improvements,' to the same committee of the whole Senate, to which were referred the resolutions of Messrs. Gatewood and Davidson; which was not agreed to.

Mr. Fletcher moved that the Senate now adjourn; which was [decided in the negative,

Those who voted in the affirmative, are,

Messrs. Davidson, Fletcher, Harrison, Herndon, Johnston, Mills, Mitchell, Moore, Parrish, Servant, Warren, Weatherford and Witt—13.

Those who voted in the negative, are,

Messrs. Bostwick, Butler, Churchill, Fithian, Gaston, Hamlin, Hunter, Little, Monroe, Murray, Nunnally, O'Rear, Ross, Sergeant, Stadden and Wood—16.

Mr. Little asked and obtained leave to introduce a bill, entitled "An act to suspend for a limited time the operation of sundry laws in relation to Banks;" which was read, and

Ordered to a second reading.

Mr. Ross moved to dispense with the rules, and that said bill be now read a second time by its title; which was decided in the negative, it requiring three fourths of all the members present to dispense with the rule.

Those who voted in the affirmative, are,

Messrs. Borough, Blackwell, Browning, Butler, Churchill, Fletcher, Greer, Hamlin, Hunter, Harrison, Little, Mitchell, Moore, Monroe, Murray, O'Rear, Ross, Servant and Sergeant—19.

Those who voted in the negative, are,

Messrs. Bostwick, Davidson, Fithian, Gaston, Gibbs, Herndon, Johnston, Markley, Mills, Nunnally, Parrish, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—17.

A message from the Governor, by A. P. Field, Secretary of State:

Mr. Speaker: I am directed by the Governor, to lay before the Senate three communications in writing. And he withdrew.

On motion of Mr. Ross,

The resolutions some days since laid on the table, having for their object the instructing of the committee on the Judiciary, to report bills defining the tenure of the offices of Secretary of State and Clerks of the Circuit Courts.

Mr. Davidson called for a division of the question; Whereupon,

Mr. Witt moved to strike out all after the word "resolved," in the 1st resolution and insert the following, viz:

"That the Governor has the power under the Constitution, by and with the advice and consent of the Senate, to appoint a Secretary of State."

Mr. Browning moved to amend the amendment by adding "whenever a vacancy exists in said office;" which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Greer, Hamlin, Hunter, Harrison, Johnston, Little, Markley, Mills, Mitchell, Moore, Murray, Nunnally, O'Rear, Parrish, Ross, Servant, Sergeant, Warren, Weatherford, Woodworth and Wood—33.

Those who voted in the negative, are,

Messrs. Bostwick, Herndon, Monroe, Stadden and Witt—5.

Mr. Gatewood moved to amend the amendment by adding the following, viz:

"And that the Legislature has not the power to limit the tenure and duration of the office of Secretary of State;" which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Bostwick, Gaston, Gatewood, Gibbs, Hunter, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Stadden, Weatherford, Witt, Woodworth and Wood—16.

Those who voted in the negative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant and Warren—22.

Mr. Gatewood moved to lay the resolution and the proposed amendment on the table until the 4th day of July next.

On motion,

The Senate adjourned.

FRIDAY, DECEMBER 20, 1839.

Senate met pursuant to adjournment.

Mr. Speaker announced that two of the communications received in the message of the Governor on yesterday, were upon executive business.

Whereupon,

The doors were closed,

And upon the opening of the doors,

Mr. Speaker laid before the Senate the report of the Commissioners of the Board of Public Works, in answer to a resolution of the Senate on the 18th inst., in relation to the lots purchased by them in the town of Springfield, &c.; which was read, and,

On motion of Mr. Herndon,

Laid on the table.

Mr. Speaker laid before the Senate a communication from the Governor, containing the document referred to in his message as marked C., together with copies of letters upon that subject to the President of the United States Bank, on the same subject; which were severally read, and,

On motion of Mr. Gatewood,

Laid on the table.

Mr. Speaker laid before the Senate the report of the Board of Public Works, containing a tabular Statement in answer to a resolution of the Senate adopted on the 11th inst., requiring them to lay before the Senate a statement of all the real estate purchased by them, &c.; which was read, and,

On motion of Mr. Hacker,

Laid on the table and ordered to be printed for the use of the Senate.

Mr. Woodworth presented the petition of J. M. Strode and others, praying for the passage of a law concerning joint debtors, and,

On motion of Mr. Woodworth,

The reading of the same was dispensed with, and referred to the committee on the Judiciary.

Mr. Herndon presented the petition of Eli Matheny and others, praying the location of a State road from Decatur, by way of Taylorsville, to Macoupin Point, and,

On motion of Mr. Herndon,

The reading of the same was dispensed with, and referred to the committee on Public Roads.

Mr. Markley presented the petition of sundry citizens of Fulton, praying for the alteration of a certain State road in the county of Fulton.

Mr. Markley moved to dispense with the reading of the same, and that it be referred to a select committee; which was not agreed to.

Whereupon,

On motion of Mr. Davidson,

Said petition was referred to the committee on Public Roads.

The resolution in relation to defining the tenure of the office of Secretary of State, together with the proposed amendments, being again under consideration; and the question being taken on the motion pending at the adjournment of the Senate on yesterday, to lay on the table until the 4th day of July next,

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Borough Bostwick, Gaston, Gatewood, Gibbs, Hacker, Hunter, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Weatherford, Witt, Woodworth and Wood—19.

Those who voted in the negative, are,

Messrs. Allen, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant and Warren—21.

Mr. Davidson called for a division of the question;

And the question being taken upon striking out all after the word "resolved,"

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostwick, Gaston, Gatewood, Gibbs, Hacker, Hunter, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Weatherford, Witt, Woodworth and Wood—19.

Those who voted in the negative, are,

Messrs. Allen, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant and Warren—21.

The question then recurring on the adoption of the resolution,
It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gibbs, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant, and Warren—22.

Those who voted in the negative, are,

Messrs. Borough, Bostwick, Gaston, Gatewood, Hacker, Hunter, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Weatherford, Witt, Woodworth and Wood—18.

The question then recurring on the adoption of the second resolution in relation to the Clerks of the Circuit Courts.

Mr. Richardson moved that said resolution be postponed indefinitely;
Which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Hamlin, Herndon, Nunnally, O'Rear Richardson, Servant, Stadden, Woodworth and Wood—9.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostwick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Greer, Hacker, Hunter, Harrison, Johnston, Little, Markley, Mills, Mitchell, Moore, Monroe, Murray, Parrish, Ross, Sergeant, Warren, Weatherford and Witt—31.

And the question recurring on the adoption of the resolution,
It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostwick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Greer, Hacker, Hamlin, Hunter, Harrison, Johnston, Little, Markley, Mills, Mitchell, Moore, Monroe, Murray, Parrish, Ross, Sergeant, Warren, Weatherford and Witt—32.

Those who voted in the negative, are,

Messrs. Herndon, Nunnally, O'Rear, Richardson, Servant, Stadden, Woodworth and Wood—8.

A message from the House of Representatives, by Mr. I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have adopted the following resolutions, in which they ask the concurrence of the Senate, to wit:

Resolved by the General Assembly, That no report made to either House, except the same be made by a committee of such House, be spread upon the journal unless so ordered by the House receiving the same.

Resolved, That when such reports are ordered to be printed, one thousand additional copies thereof shall be placed by the Printer in the office of Secretary of State, to be bound and distributed with the journals of the session.

Resolved also, That when such reports are ordered to be printed, a sufficient number shall be printed for the use of both Houses, and the House ordering the printing shall advise the other House thereof, provided that

either House may order the printing of additional copies for its separate use. And he withdrew.

On motion,

The Senate adjourned.

SATURDAY, DECEMBER 21, 1839.

Senate met pursuant to adjournment.

On motion of Mr. Parrish,

The rule of the Senate was dispensed with, and a bill contained in the message from the House of Representatives, entitled "An act to amend an act establishing the county of Williamson, approved February 28, 1839;" which was read, and

Ordered to a second reading.

On motion of Mr. Parrish,

The rule of the Senate was again dispensed with, and said bill read a second time by its title, and referred to a select committee.

Ordered, That Messrs. Parrish, Johnston and Gibbs, be that committee.

A message from the Governor, by A. P. Field, Secretary of State:

Mr. Speaker: I am directed by the Governor to lay before the Senate two communications in writing. And he withdrew.

Mr. Fletcher presented the petition of sundry citizens of the counties of Menard, Tazewell, Logan and DeWitt, relative to a certain State road therein named.

Mr. Fletcher moved that the reading of the same be dispensed with, and that said petition be referred to a select committee.

Mr. Servant called for a division of the question.

And the question being first taken on dispensing with the reading of the same,

It was decided in the affirmative.

Whereupon,

On motion of Mr. Servant,

Said petition was referred to the committee on Public Roads.

Mr. Stadden presented the petition of the county commissioners of Kane county, concerning State roads in said county; also, the petition of sundry citizens of said county, on the same subject; which were severally read, and,

On motion of Mr. Stadden,

Referred to the committee on Public Roads.

Mr. Markley presented the petition of sundry citizens of Fulton county, in relation to the interest on judgments, &c.; which was read, and,

On motion of Mr. Warren,

Referred to the committee on the Judiciary.

Mr. Stadden presented the petition of Joseph Robison, asking for a license to keep a ferry across the Illinois river at Peru, in La Salle county, and,

On motion of Mr. Stadden,

The reading of the same was dispensed with, and referred to the committee on Petitions.

On motion of Mr. Woodworth,

The rule of the Senate was dispensed with, and a bill contained in the message of the House of Representatives, entitled "An act to legalize the assessment of taxes for the county of Du Page," was taken up, and read the first time, and

Ordered to a second reading.

On motion of Mr. Woodworth,

The rule of the Senate was again dispensed with, and said bill read a second and third time, by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Little,

The rule of the Senate was dispensed with, and a bill from the orders of the day, entitled "An act authorizing an additional justice of the peace in the La Harpe district, in Hancock county," was taken up, read a second time, and

Ordered to be engrossed and read a third time.

Mr. Little moved that the rules of the Senate be further dispensed with, and that said bill be now read a third time by its title; which was not agreed to.

Mr. Ross asked and obtained leave to introduce a bill, entitled "An act to relocate a certain State road in Pike county;" which was read, and

Ordered to a second reading.

On motion of Mr. Ross,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

On motion of Mr. Little,

Referred to the committee on Public Roads.

Mr. Witt offered the following resolution, viz:

Resolved by the Senate, That the Governor of the State and the Judges of the Supreme and Circuit Courts be respectfully requested to take seats within the bar of the Senate; which was read, and adopted.

Mr. Servant offered for adoption the following resolutions, viz:

Resolved by the Senate, the House of Representatives concurring herin, That it is the opinion of this General Assembly, that all sales of Bonds or State stocks for a less sum than the par value of said Bonds, in the country, place or kingdom where the same be made payable, is in violation of law, destructive of the best interest of the State, and not binding upon the people.

Resolved, That we enter our solemn protest against the loans lately made by our Commissioners, to the house of Wright & Co., of London, to the Bank of the United States, to John Delafield, of New York city, and firmly believe that a portion, or all of said loans were made in violation of law, without any regard to the interest of the State, and with a recklessness of purpose which deserves the censure of the country at large; which were read, and,

On motion of Mr. Browning,

Laid on the table.

A message from the House of Representatives, by I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate, that the House has concurred with them in their amendments to the resolution from the House, proposing an investigation into the proceedings of the State Bank of Illinois. And he withdrew.

Mr. Browning moved the adoption of the following resolutions, viz:

Resolved, That the Fund Commissioners be required to report to the Senate without delay, the amount of interest which becomes due and payable upon the State Bonds of the State of Illinois, on the first day of January next, upon what bonds and for what length of time payable, to whom and when payable, and what provision they have made for the payment thereof.

Resolved, That the Fund Commissioners be required to report to the Senate without delay, what amount of interest has been paid upon State Bonds for Internal Improvement purposes since the 1st day of March, 1837, and out of what fund the same has been paid, whether it has been paid out of the ordinary revenues of the State, whether with Bank dividends or whether a part of the principal of the loans negotiated on behalf of the State has been applied to the payment of the interest upon said loans; and if said interest has wholly or in part been met by Bank dividends, from what Banks and in what proportions have the same been derived; which were severally read and adopted.

Mr. Parrish moved the adoption of the following preamble and resolution, viz:

Whereas, the General Government is now relieved from the burthen of a national debt, and consequently relieved from the necessity of raising a large revenue from the sales of public lands; and whereas, a large amount of revenue has been contributed by the citizens of our State in payment for public lands, and the portion which remains unsold is little more than sufficient to defray the expenses attending the sale of the same, therefore.

Resolved by the People of the State of Illinois, represented in the General Assembly, That our Senators in Congress be instructed, and our Representatives be requested to use their best exertions to procure the passage of a law donating to the State for the use of public improvements, each alternate section on the different railroad routes in the State, or the whole of the lands yet unsold, on condition that the State pay over to the General Government, one third of the amount that would arise from the sale of the same; and that the Governor be respectfully requested to furnish a copy of the above preamble and resolution to each of our members of Congress; which was read, and,

On motion of Mr. Browning,

Referred to the committee on Finance.

Mr. Markley offered the following resolution, viz:

Resolved, That the committee on Finance be instructed to inquire into the expediency of so amending the revenue law as to hold property till the 1st of March, and to legalize the acts of deputy collectors for the present year; which was read, and adopted.

Mr. Stadden offered the following resolution, viz:

Resolved by the Senate, That the committee on Roads be instructed to

inquire into the expediency of so amending the law in relation to the working on public roads, so that every person shall be compelled only to work in proportion to the property he may have in possession; which was read, and adopted.

Mr. Stadden moved the adoption of the following preamble and resolution, viz:

Whereas, The first section of the seventh article of the Constitution of the State of Illinois provides, that whenever two-thirds of the General Assembly shall think it necessary to alter or amend the Constitution of this State, they shall recommend to the electors at the next election of members of the General Assembly, to vote for or against a Convention.

Therefore,

Resolved by the Senate, the House of Representatives concurring herein, That the Electors at the next general election be recommended to vote for or against the calling of a Convention to amend the Constitution of the State of Illinois; which was read, and

Mr. Fletcher moved to lay the same on the table; which was not agreed to, and

The question recurring on the adoption of the resolution, and it requiring two-thirds of the members of the Senate,

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Bostwick, Blackwell, Browning, Butler, Churchill, Fletcher, Hamlin, Harrison, Herndon, Little, Markley, Mills, Moore, Monroe, Nunnally, Parrish, Richardson, Ross, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—25.

Those who voted in the negative, are,

Messrs. Allen, Borough, Davidson, Fithian, Gaston, Gibbs, Greer, Hunter, Johnston, Mitchell, Murray, O'Rear and Servant—13.

A message from the Governor, by A. P. Field, Secretary of State:

Mr. Speaker: I am directed by the Governor, to lay before the Senate two communications in writing. And he withdrew.

Mr. Wood moved the adoption of the following resolution, viz:"

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of repealing the law creating the office of probate justice of the peace, and also of reviving the acts establishing the courts of probate; which was read.

Mr. Witt moved to lay the same on the table until the 4th day of July next,

Which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostwick, Blackwell, Fithian, Gibbs, Hunter, Herndon, Johnston, Markley, Mitchell, Monroc, Murray, Nunnally, Richardson, Sergeant, Stadden, Warren, Weatherford, Witt and Woodworth—21.

Those who voted in the negative, are,

Messrs. Browning, Butler, Churchill, Davidson, Fletcher, Gaston, Greer, Hamlin, Harrison, Little, Mills, Moore, O'Rear, Parrish, Ross, Servant and Wood—17.

Mr. Davidson moved the adoption of the following resolution, viz:

Resolved, That during the pendency of a call of the Senate, the call

may be dispensed with by three-fourths of the Senators present, and that a second call shall not be allowed upon the same proposition at the same stage.

Mr. Little moved to strike out the words "three-fourths" and insert "two-thirds" in lieu thereof; which was not agreed to.

And the question recurring on the adoption of the resolution, It was decided in the affirmative.

Mr. Mills moved the adoption of the following resolution, viz:

Resolved by the Senate, That the Fund Commissioners be required to report without delay to the Senate, all information they may have as to the amount of available means to meet the interest arising on loans becoming due the first of January next; which was read, and,

On motion of Mr. Ross,

Laid on the table.

Mr. Gaston asked and obtained leave to introduce a bill entitled, "An act to incorporate the Clinton Steam Mill Company;" which was read, and

Ordered to a second reading.

On motion of Mr. Gaston,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Hamlin asked and obtained leave to introduce a bill entitled, "An act to amend an act to authorize Henry W. Cleveland to build a toll bridge across the Winnebago Swamp, approved February 19, 1839;" which was read, and

Ordered to a second reading.

Mr. Herndon asked and obtained leave to introduce a bill, entitled "An act to repeal part of an act regulating the interest of money;" which was read, and

Ordered to a second reading.

Mr. Davidson asked and obtained leave to introduce a bill, entitled "An act making partial appropriations;" which was read, and

Ordered to a second reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, and said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

Mr. Servant moved that the Senate adjourn; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Blackwell, Davidson, Hunter, Harrison, Herndon, Johnston, Little, Mitchell, Richardson, Servant, Warren and Wood—12.

Those who voted in the negative, are,

Messrs. Borough, Bostwick, Browning, Butler, Churchill, Fithian, Fletcher, Gaston, Gibbs, Greer, Hamlin, Markley, Mills, Moore, Monroe, Murray, Nunnally, O'Rear, Parrish, Ross, Sergeant, Stadden, Weatherford, Witt, and Woodworth—25.

On motion of Mr. Browning,
The order of business was suspended;
Whereupon,

Mr. Speaker laid before the Senate the report of the Governor, in pursuance to a resolution of the Senate, containing the correspondence between him and the agents on the part of the State to negotiate loans for Canal purposes, which were read, and,

On motion of Mr. Murray,
Laid on the table.

Mr. Speaker laid before the Senate, a communication from the Governor, containing the report of the Board of Public Works, relative to the amount of money appropriated for the improvement of the Great Wabash river, together with a statement of the Auditor upon the same subject; which were severally read, and

On motion of Mr. Ross,
Laid on the table.

Mr. Speaker laid before the Senate a memorial from the Directors of the State Bank of Illinois, in relation to the passage of a law to enable the Bank to pay the warrants of the Auditor without a violation of its charter; which was read, and

On motion of Mr. Ross,
Referred to the committee on Finance.

Mr. Speaker laid before the Senate, the report of the Cashier of the State Bank of Illinois, containing a tabular statement of loans made to the different counties in this State upon the real estate fund; which was read, and,

On motion of Mr. Davidson,
Laid on the table and ordered to be printed for the use of the Senate.
A message from the Governor, by A. P. Field, Secretary of State:

Mr. Speaker: I am directed by the Governor to lay before the Senate three several communications in writing. And he withdrew.

Mr. Speaker laid before the Senate the report of the Fund Commissioners made in compliance with a resolution of the Senate adopted on the 17th instant, requiring the Fund Commissioners to lay before this body, copies of all contracts which they had entered into for the sale of State Bonds since the 1st of March 1839; which was read, and,

On motion of Mr. Browning,

Said report, together with the accompanying documents, was referred to the committee on the Judiciary.

Mr. Speaker laid before the Senate the following communication from his Excellency, the Governor, viz:

EXECUTIVE DEPARTMENT,
Springfield, December 21, 1839.

To the Hon. the SPEAKER
of the Senate:

SIR: In compliance with the resolutions of the Senate of the 18th instant, calling on this department for certain intelligence in relation to the payment of interest on the Canal loan, and also whether Judge Young, one of the agents to negotiate loans for Canal purposes, drew a draft on London in favor of the Bank of the United States for ten thousand pounds sterling, on the funds borrowed by the Fund Commissioners

in London for the use of Internal Improvements, and if so, by what authority the same was done. I have the honor to state that in relation to the inquiry embraced in the first resolution of the Senate, I herewith inclose the letter of the President of the Canal Board, which embraces all the information called for in the resolution above referred to. In relation to the supposed draft, drawn by Judge Young, for the sum, and in the manner, and for the purposes stated in the second resolution of your Honorable body, I have the honor to state that if such a transaction took place, and such a draft was drawn by him for the sum and for the purposes stated, I am wholly unapprised of it, not having been advised by Judge Young, or from any other source, that such a draft, or a draft of any other kind or description was ever drawn by him in the manner stated in the resolution last aforesaid.

I have the honor to be, Sir,
Your obedient servant,
THO. CARLIN.

SPRINGFIELD, Dec. 20, 1839.

To his Excellency THOMAS CARLIN,
Governor of Illinois:

SIR: In answer to your inquiries in relation to interest on Canal loans, I have the honor to inform your Excellency, that six months interest on a million of dollars, being all that was then due, was paid in New York on the first day of July last. Drafts on that city were purchased in Chicago at one and a half per cent. premium, or four hundred and fifty dollars on thirty thousand dollars remitted. On the first day of January next, interest will be due on Bonds to the amount of \$1,300,000, which has been fully provided for, and will be remitted through the agency of the State Bank of Illinois. Both of these payments have been made out of the "Canal Fund," and charged to interest account—a part of that fund having been derived from interest accruing on the sales of Canal property.

For further information on the subject of interest, your Excellency is respectfully referred to the late report of the Board of Canal Commissioners submitted on yesterday.

Respectfully,
Your obedient servant,
W. F. THORNTON,
President of the Canal Board.

Which was read, and,

On motion of Mr. Browning,

Said communication, together with the accompanying letter, were referred to the committee on Internal Improvements.

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,
Springfield, December 21, 1839.

To the Hon. the SPEAKER,
of the Senate:

SIR: I have the honor to transmit to you the following communication, which I desire to be laid before the Senate, over which you preside.

Since the delivery of my message of the 10th inst. I have been furnished with a copy of a letter from the Cashier of the Bank of Illinois, to the Cashier of the State Bank, dated November 6, 1839, stating that the Bank of Illinois, by a resolution of the Board of Directors, had that day suspended specie payments, except in small sums to travellers and others for change, &c. I had previously seen a published resolution of the Board of Directors of that Bank, dated about the first of November last, declaring that the Bank would not suspend specie payments, and the resolution of suspension not being published, I presumed the first resolution had been adhered to.

This movement on the part of the Bank of Illinois, adds another proof to the incontrovertible fact of an entire want of stability in the management of our whole banking system. What exigency could possibly have arisen in its affairs in so short a space of time to induce such a palpable violation of faith on the part of the Bank?

What sympathies would be enlisted, or what legal favors would be extended to an individual who would refuse to pay his just debts, alledging that his interest or the public good would be promoted by such refusal; and what feature in our Republican Institutions would justify the extension of favors to an incorporated company, which would be denied to individuals?

Is it the utter disregard of the Banks on a former occasion to meet their obligations and liabilities, which would plead in justification of the present suspension of specie payments, and induce a second legalization of a violation of law on their part?

The large amount of capital which the State has invested in the Bank of Illinois, and the pernicious influence exerted upon the business of the country by its late suspension, demands at your hands a rigid investigation into its condition and the enforcement of its liabilities.

I have the honor to be, Sir,

Your obedient servant,

THO. CARLIN.

Which was read, and,

On motion of Mr. Browning,

Laid on the table, and five hundred copies ordered to be printed for the use of the Senate.

Mr. Speaker announced that one of the communications just received from the Governor was upon Executive business;

Whereupon,

The doors were closed.

And upon the opening of the doors,

Mr. Speaker laid before the Senate the following communication from the President of the State Bank of Illinois, to wit:

STATE BANK OF ILLINOIS,

December 19, 1839.

To the Hon. the SPEAKER,

of the Senate:

SIR: In answer to a resolution of the Senate inquiring what disposition has been made of the two million of State Bonds taken by the Bank, for the subscription of Stock on the part of the State, I have the honor to state that the amount of Bonds taken by the Bank for the aforesaid

purpose was one million seven hundred and sixty-five thousand dollars, five hundred were deposited with the Secretary of the Treasury of the United States as security for the deposits of the General Government, and the balance are in the possession of the agents of the Bank in New York, Messrs. Nevins, Townsend, & Co., for sale. A contract for the sale of fifty of said Bonds has been made recently at par and interest on a credit.

The difference between the amount of Bonds issued for Bank Stocks and the amount of stock owned by the State being three hundred and thirty-five thousand dollars, was paid in cash.

Yours respectfully,

THOMAS MATHER, *President.*

Which was read, and,

On motion of Mr. Browning,
Referred to the committee on Finance.

On motion of Mr. Servant,

A bill, entitled "An act to change the name of the town of Columbus, in the county of Randolph," was taken up and read a second time, and Ordered to be engrossed, and read a third time.

On motion,

The Senate adjourned.

MONDAY, DECEMBER 23, 1839.

Senate met pursuant to adjournment.

On motion of Mr. Ross,

Leave of absence was granted to Mr. Monroe until Monday next.

Mr. Mitchell presented the petition of Menard and Tazewell counties, praying for a new county to be formed out of parts of said counties to be called Mason county.

On motion of Mr. Mitchell,

The reading of the same was dispensed with, and referred to the committee on Petitions.

Mr. Butler presented the petition of the trustees of the Knox Manual Labor College, praying an extension of time for the sale of real estate, and,

On motion of Mr. Butler,

The reading of the same was dispensed with, and referred to the committee on School Lands and Education.

Mr. Ross presented the petition of sundry citizens of Pike county, praying the passage of a law changing the name of the town of Worcester to that of Barre.

On motion of Mr. Ross,

The reading of the same was dispensed with, and referred to a select committee.

Ordered, That Messrs. Ross, Richardson and Browning, be that committee.

Mr. Parish, from the select committee to which was referred a bill from

the House of Representatives, entitled "An act to amend an act establishing the county of Williamson, approved February 28, 1839," reported the same back without amendment and recommend the passage of said bill;

Whereupon,

Said bill was ordered to a third reading.

On motion of Mr. Parrish,

The rule of the Senate was dispensed with, and said bill read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Markley moved the adoption of the following resolution, viz:

Resolved, That the committee on Public Roads, be requested to report to the Senate a bill giving the county commissioners' courts of the several counties in this State, the authority to alter or change State roads within the limits of their respective counties; which was not agreed to.

Mr. Little moved the adoption of the following resolution, viz:

Resolved by the Senate, the House of Representatives concurring herein, That our Senators in Congress be instructed, and our Representatives be requested to use their best exertions, to procure a repeal of the duty of ten cents per bushel upon imported salt, and also a repeal of the duty upon sugar; which was read and adopted.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Little moved the adoption of the following resolution, viz:

Resolved, That the committee on Finance, to whom has been referred the memorial of the State Bank of Illinois, praying the Legislature for power to pay Auditor's warrants, be instructed to report a bill to that effect, excepting from the provisions thereof the payment of warrants issued in favor of the members of this General Assembly; which was read.

Mr. Davidson moved to strike out all that part of the resolution that relates to the payment of warrants in favor of members;

Which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Bostwick, Blackwell, Butler, Churchill, Davidson, Fithian, Gaston, Gatewood, Gibbs, Greer, Hamlin, Harrison, Herndon, Johnston, Markley, Mills, Mitchell, Moore, O'Rear, Parrish Richardson, Ross, Servant, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—31.

Those who voted in the negative, are,

Messrs. Borough, Browning, Little, Murray and Nunnally—5.

Mr. Herndon moved to amend, by adding the following, to wit:

"Provided said Bank will pay the holder of such warrant or warrants in specie if required;" which was not agreed to.

And the question recurring on the adoption of the resolution, as amended,

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Butler, Churchill, Davidson, Fithian, Gaston, Gatewood, Gibbs, Greer, Hamlin, Harrison, Johnston, Markley,

Mills, Mitchell, Moore, O'Rear, Ross, Servant, Sergeant, Witt and Wood—24.

Those who voted in the negative, are,

Messrs. Bostick, Browning, Herndon, Little, Murray, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford and Woodworth—12.

On motion of Mr. Allen,

The vote taken on Saturday last in relation to the adoption of a resolution offered by Mr. Stadden, recommending the calling of a Convention for the purpose of altering the Constitution of the State, was reconsidered;

Whereupon,

On motion of Mr. Richardson,

Said resolution was laid on the table.

Mr. Allen asked and obtained leave to introduce a bill, entitled "An act supplemental to an act to incorporate the town of Bloomington;" which was read, and

Ordered to a second reading.

On motion of Mr. Ross,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Harrison asked and obtained leave to introduce a bill, entitled "An act to incorporate the Rock Island University;" which was read, and

Ordered to a second reading.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

The engrossed bills, entitled

"An act to authorize the county court of Lawrence county to build a bridge across the Embarrass river;"

"An act supplemental to an act to authorize the county commissioners to construct certain roads in Greene county;"

"An act to change the name of the town of Columbus, in the county of Randolph;" and,

"An act authorizing an additional justice of the peace in the La Harpe district in Hancock county;"

Were severally read a third time, and passed.

Ordered, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bills.

A bill, entitled "An act to incorporate Shiloh College," was read a second time, and

On motion of Mr. Little,

Referred to the committee on the Judiciary.

A bill, entitled "An act to attach the county of Lee to the sixth Judicial District," was read a second time, and,

On motion of Mr. Harrison,

Referred to the committee on the Judiciary.

A bill, entitled "An act to provide for holding an additional term of the Circuit Court in the county of Peoria," was read a second time, and

Ordered to be engrossed and read a third time.

A bill, entitled "An act to suspend for a limited time the operation of sundry laws in relation to Banks," was read a second time, and,

On motion of Mr. Little,

The further consideration of said bill was indefinitely postponed.

A bill, entitled "An act to amend an act to incorporate the Beet Sugar, Silk and Vegetable Oil Manufacturing Company, approved February 27, 1837," was read the second time, and

Ordered to be engrossed for a third reading.

A bill, entitled "An act to authorize the Commissioners of the Board of Public Works to settle with Contractors upon Public Works," was read a second time,

Whereupon,

Mr. Fithian moved to amend said bill as follows, viz:

Amend the second section by adding after the word "Public Works," when they occur the second time in said section, the following words, "or in consequence of a failure on the part of the State to comply with its engagements."

Add the following as section 3d:

"And be it further enacted, that when final settlements are made as above, the Commissioners of the Board of Public Works shall have power, when so required by any Contractor or Contractors, to consolidate the unpaid orders in favor of such Contractor or Contractors, and to draw in lieu thereof, a draft on the Fund Commissioners embracing the whole amount due said Contractor or Contractors, which amount shall draw interest at the rate of ten per cent. per annum until paid."

On motion of Mr. Stadden,

Said bill together with the proposed amendment was referred to the committee on Internal Improvements.

A bill, entitled "An act to repeal part of an act regulating the interest of money," was read a second time, and,

On motion of Mr. Little,

Referred to the committee on the Judiciary.

A bill, entitled "An act to amend an act to authorize Henry W. Cleveland to build a toll bridge across the Winnebago Swamp, approved February 19, 1839," was read a second time, and

Ordered to be engrossed for a third reading.

Mr. Speaker laid before the Senate a message from the House of Representatives containing sundry bills, to wit:

The bill from the House of Representatives, entitled "An act to establish a State road in the counties of Cook and Lake," was read the first time, and

Ordered to a second reading.

On motion of Mr. Woodworth,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Public Roads.

The bill from the House of Representatives, entitled "An act to locate a State road from Ottawa by Belvidere, to the State line in the direction of Belvit," was read the first time, and

Ordered to a second reading.

On motion of Mr. Stadden,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

On motion of Mr. Stadden,

Laid on the table.

The bill from the House of Representatives, entitled "An act to amend an act to vacate the survey and plat of the town of Middleton," was read the first time, and

Ordered to a second reading.

The bill from the House of Representatives, entitled "An act to amend an act, entitled 'An act to provide for certain improvements in Pike county,'" was read, and

Ordered to a second reading.

On motion of Mr. Ross,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Internal Improvements.

The bill from the House of Representatives, entitled "An act to vacate a part of the plat of the town of Shepherdstown," was read, and

Ordered to a second reading.

On motion of Mr. Richardson,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

On motion of Mr. Fithian,

The further consideration of said bill was indefinitely postponed.

Ordered, That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act for the relief of Lake county," was read, and

Ordered to a second reading.

On motion of Mr. Stadden,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to a third reading.

Mr. Speaker laid before the Senate the message from the House of Representatives, containing the resolution in relation to the printing of the reports to the General Assembly; which were severally read, and

On the question—"Shall the said resolution be adopted?"

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Blackwell, Browning Butler, Churchill, Fithian, Greer, Hamlin, Harrison, Little, Mills, Moore, Murray, O'Rear, Ross, Servant, Sergeant, Stadden and Witt—19.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Davidson, Gaston, Gatewood, Gibbs, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Warren, Weatherford, Woodworth and Wood—17.

A message from the House of Representatives, by I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate that they have adopted the following resolutions, in the adoption of which they ask the concurrence of the Senate:

Resolved by the House of Representatives, the Senate concurring herein, That neither branch of this General Assembly will receive any new business after the fifteenth day of January next.

Whereas, The People of the State of Illinois feel a deep and abiding interest in the prosecution and final completion of the Cumberland road through this State; *And whereas,* appropriations heretofore have been made at so late a period as to preclude an energetic prosecution of the work, *And whereas,* at the last session of Congress no appropriation was made for the above object: Therefore,

1. *Resolved by the House of Representatives, the Senate concurring herein,* That our Representatives in Congress be requested, and our Senators in Congress be instructed, to use their best exertions to procure an ample appropriation for the improvement of the Cumberland road during the year 1840.

2. *Resolved,* That our Representatives in Congress bring said measure before Congress at as early a period as practicable, and urge its speedy passage.

3. *Resolved,* That his Excellency, Thomas Carlin, be requested to transmit to each of our members in Congress, a copy of this preamble and resolutions.

Resolved by the House of Representatives, the Senate concurring herein, That a joint select committee of two on the part of the House, and one on the part of the Senate, be appointed to wait on the Rev. the Clergy of Springfield to officiate alternately, in accordance with any arrangement which they may enter into amongst themselves to open the daily sittings of the two Houses, during the present session, by prayer to Almighty God; and they have appointed Messrs. Lincoln and Roberts the committee on their part. And he withdrew.

Mr. Speaker laid before the Senate, the message from the House of Representatives, just received;

And the first resolution contained in said message being read,

Mr. Murray moved to amend, by striking out the word "fifteenth" and inserting "first" in lieu thereof.

Mr. Davidson moved to lay the same on the table; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Borough, Davidson, Gatewood, Greer, Harrison, Herndon, Johnston, Little, Mills, Mitchell, Parrish, Richardson, Servant, Stadden, and Wood—15.

Those who voted in the negative, are,

Messrs. Allen, Bostick, Blackwell, Browning, Butler, Churchill, Fithian, Gaston, Gibbs, Hamlin, Markley, Moore, Murray, Nunnally, O'Rear, Ross, Sergeant, Warren, Weatherford, Witt and Woodworth—21.

Mr. Richardson moved to insert "first of February;" which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Herndon, Little, Mills, Mitchell, Richardson, and Servant—6.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Gaston, Gatewood, Gibbs, Greer, Hamlin, Harri-

son, Johnston, Markley, Moore, Murray, Nunnally, O'Rear, Parrish, Ross, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—30.

On motion,
The Senate adjourned.

TUESDAY, DECEMBER 24, 1839.

Senate met pursuant to adjournment.

A message from the House of Representatives, by I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate, that they have passed bills of the following titles, viz:

"An act in relation to the State Bank of Illinois;"

"An act to vacate a part of a State road in Scott county;"

"An act to authorize the school commissioners of Greene county to sell a section of land therein named;"

"An act to legalize the survey and relocation of a part of a State road therein named;"

"An act to authorize William H. Piatt, administrator of James A. Piatt, deceased, to execute deeds to certain lots in the town of Monticello;"

"An act to alter a State road leading from Vincennes to Palestine;"

"An act to relocate part of a State road in Johnson county;"

"An act to amend an act, entitled 'An act to increase the corporate powers of the town of Chester;'"

"An act to authorize Benj. W. Pope and William Gassaway to build a mill dam."

In the passage of which, they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of a bill for "An act making partial appropriations."

They have also concurred with the Senate in their amendments to the resolution of the House, in relation to an investigation of the State Bank of Illinois, and have appointed Messrs. Ficklin, Happy, Murphy of Cook, Lincoln and Moore, the committee on their part. And he withdrew.

Mr. Ross asked and obtained leave of absence for Mr. Allen, until Monday next.

Mr. Browning asked and obtained leave of absence for Mr. Hamlin, until Monday next.

Mr. Herndon asked and obtained leave of absence for Mr. Mitchell, until Monday next.

Mr. Churchill presented the petition of sundry citizens of Six Mile township, in Madison county, praying for the incorporation of the Six Mile ferry company; which was read.

Mr. Churchill moved to refer the same to a select committee.

Mr. Richardson moved to refer said petition to the committee on Internal Navigation; which was decided in the affirmative.

Mr. Borough, from the committee on Public Roads, to which was referred sundry resolutions praying for the establishment of State roads, re-

ported that they have had the same under consideration, and that they have no evidence that the provisions of the act defining the manner of proceeding in petitioning the General Assembly for locating or altering State roads have been complied with, they therefore ask leave to be discharged from a further consideration of the subject; which was agreed to.

Whereupon,

On motion of Mr. Ross,

Said petitions were laid on the table.

Mr. Gatewood, from the committee on Internal Improvements, to which was referred a bill from the House of Representatives, entitled "An act to amend an act, entitled 'An act to provide for certain improvements in Pike county,'" reported the same back without amendment.

Whereupon,

On motion of Mr. Ross,

Said bill was laid on the table.

Mr. Davidson, from the committee on the Judiciary, to which was referred a bill, entitled "An act to amend an act, entitled 'An act concerning justices of the peace and constables,' approved February 3, 1827," reported the same back without amendment.

Ordered to be engrossed, and read a third time.

Mr. Davidson, from the committee on the Judiciary, to which was referred a bill, entitled "An act supplemental to the several acts in relation to justices of the peace and constables," reported the same back without amendment, and recommended the rejection of said bill.

Mr. Herndon moved to amend said bill by adding the following as an additional section, viz:

Sec. *Be it further enacted*, That from and after the passage of this act, if any constable neglect or fail to return an execution within five days after the return day thereof, it shall be lawful for the justice who issued the same (without any application of the party in whose favor the same was issued) to proceed against said constable as is provided for in the 10th section of the act to which this is an amendment.

Sec. Nothing herein contained shall be so construed as to prevent the party, in whose favor any execution may be issued, from proceeding against any constable as provided for in the act to which this is an amendment.

Whereupon,

On motion of Mr. Davidson,

Said bill, together with the proposed amendment, were indefinitely postponed.

Mr. Gatewood, from the committee on Internal Improvements, to which was referred a bill, entitled "An act to authorize the Commissioners of the Board of Public Works to settle with Contractors upon Public Works," reported the same back with an amendment; which was read.

Mr. Davidson moved to amend said amendment by inserting after the word "railroads," "and other public works;" which was agreed to.

Ordered to be engrossed, as amended, and read a third time.

Mr. Borough, from the committee on Public Roads, to which was referred bills, entitled

"An act to vacate a part of the State road from Rock Island to Savannah;"

"An act to relocate a certain State road in Pike county;" also,

A bill from the House of Representatives, entitled "An act to establish a State road in the counties of Cook and Lake," reported that they have had under consideration said bills, and that the committee have no evidence that the law passed at the last session in relation to the locating and altering State roads has been observed; therefore, your committee ask to be discharged from a further consideration of said bills; which was agreed to, and,

On motion of Mr. Borough,

Said bills were laid on the table.

Mr. Little, from the committee on the Judiciary, to which was referred the petition of Rebecca Ann P. Duvault, praying to be divorced from her husband, reported the same back and asked to be discharged from the further consideration of the subject; which was agreed to, and,

On motion of Mr. Little,

The said petition was laid on the table.

Mr. Browning, from the committee on the Judiciary, to which was referred a bill, entitled "An act for the relief of partners and joint debtors," reported the same back without amendment and recommended its rejection.

On motion of Mr. Browning,

Laid on the table until the 4th of July next.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act to amend an act concerning public revenue," reported the same back with an amendment; which was read and concurred in, and the bill as amended,

Ordered to be engrossed and read a third time.

Mr. Browning, from the committee on the Judiciary, to which was referred "An act to incorporate the Clinton Steam Mill Company," reported the same back with an amendment, which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Little, from the committee on the Judiciary, to which was referred a bill for "An act to incorporate Shiloh College," reported the same back with an amendment; which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Borough, from the committee on Public Roads, to which was referred a bill for "An act entitled an act to revive and continue in force an act, entitled "An act to locate a certain State road therein mentioned," approved February 27, 1839," reported the same back and recommended its passage.

Ordered to be engrossed and read a third time.

Mr. Warren offered the following resolution, viz:

Resolved, That the House of Representatives be requested to furnish this Senate with a copy of the report of Canal Commissioners; which was read and adopted.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Browning moved the adoption of the following resolution, viz:

Resolved, That the Fund Commissioners be required to report forthwith

to the Senate, whether any of the State Bonds of Illinois have been delivered, by them, to Messrs. Wright, & Co., of London, or forwarded for delivery under the provisions of the contract entered into with said Wright & Co., by them, on the 22d day of August, 1839. And if so, what amount of Bonds have been so delivered, when were they delivered, how transmitted to London, and have any advances been made by said Wright, & Co., upon said Bonds, and if so, what amount of money has been so advanced; also, whether any other contract has been entered into between them and Messrs. Wright & Co., except the one above mentioned, for the delivery of one million five hundred thousand dollars of State Bonds; which was read and adopted.

Mr. Browning offered the following resolution, viz:

Resolved, That the Fund Commissioners be required to report to the Senate without delay, whether any shipments of iron have yet been made by the firm of Thompson & Forman, for the State of Illinois, by virtue of a contract entered into between said Fund Commissioners and the said Thompson & Forman, on the 22d day of August, 1839. If so, when was such iron shipped? what quantity was shipped, and has the same yet been received? Has it been paid for? If so, what amount of money was paid, and by whom? If it has not been paid for, have State Bonds been hypothecated for it? And if they have, what amount of State Bonds have been thus hypothecated, and by what authority?

Mr. Herndon offered the following resolution, viz:

Resolved, That a committee be appointed, whose duty it shall be to examine the premises belonging to the State, now occupied by Mr. Prentiss, erected by order of the Board of Public Works in Springfield, and ascertain what portions of said building are occupied as State offices; and also, report a bill providing for the sale of said property; And it shall be further their duty to inquire and ascertain what number of rooms are under rent by the Board of Public Works or Fund Commissioners, the amount of such rents, if any; and report whether or no, there was any necessity on the part of the Board of Public Works, or the Fund Commissioners, to rent such room or rooms; which was read and adopted.

Mr. Herndon moved the adoption of the following resolution, viz:

Resolved, That the Board of Public Works report to this House the amount of money drawn by them for Internal Improvement purposes since the first day of April last, the amount paid out by them for Internal Improvement purposes. The amount of money remaining in their hands, if any, the kind of money so remaining on hand; which was read, and,

On motion of Mr. Gatewood,

Laid on the table.

Mr. Browning offered the following resolution, viz:

Resolved, That the Fund Commissioners report to the Senate whether one hundred Illinois State Bonds, of one thousand dollars each, have been sold and delivered to the Commercial Bank of Buffalo, conformable to a proposition submitted by said Fund Commissioners, to said Bank, dated New York, 26th Sept., 1839. If said one hundred dollar Bonds have been sold and delivered to said Bank, what evidence have said Fund Commissioners of the contract with said Bank, where is the interest upon said Bonds made payable, and where is the principal of said bonds to be paid

when they fall due? Has any thing been paid upon said Bonds by said Bank, and if so, how much; which was read and adopted.

On motion,

The Senate adjourned until Thursday morning.

THURSDAY, DECEMBER 26, 1839.

Senate met pursuant to adjournment.

Mr. Herndon presented the petition of sundry citizens of De Witt county, praying a review of a part of the State road leading from Paris to Pekin, by the way of Marion, and,

On motion of Mr. Borough,

Said petition was laid on the table.

Mr. Warren presented the petition of P. Dodson and others, praying for a relocation of a State road from Charleston in Coles county, to Andrew Wilson's in Macon county, and,

On motion of Mr. Warren,

The reading of the same was dispensed with, and referred to the committee on Public Roads.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act for the incorporation of the Fayette Steam Mill Company," reported the same back with an amendment; which was read, and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act to repeal part of an act regulating the interest of money," reported the same back with an amendment, which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Ross, from the select committee to which was referred the petition of sundry citizens of Pike county, praying the passage of a law changing the name of the town of Worcester to that of Barry, reported a bill entitled "An act to change the name of the town of Worcester to that of Barry;" which was read, and

Ordered to a second reading.

On motion of Mr. Ross,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

Ordered to be engrossed, and read a third time.

Mr. Browning offered the following resolution, viz:

Resolved, That the Fund Commissioners be requested to lay before the Senate, all correspondence which they have at any time had or held with individuals and with Banks, and other corporations relating to the sale or hypothecation of the State Bonds of the State of Illinois; which was read and adopted.

Mr. Markley offered the following resolution, viz:

Resolved, That the committee on the Judiciary be requested to inquire into the expediency of so amending the law to incorporate the inhabitants of such towns as may wish to be incorporated, approved February 12,

1831, as to give the president of the board of trustees of towns, so incorporated, concurrent jurisdiction with justices of the peace within the incorporated limits of their respective towns, and that they be requested to report by bill or otherwise; which was read and adopted.

Mr. Ross offered the following resolution, viz:

Resolved, That the Board of Public Works be required to report to the Senate, the number of miles of the Northern Cross railroad, which is completed between Jacksonville and Meredosia, the aggregate cost of the same, what time the cars have been in operation, the total amount of receipts, the amount of repairs, and all other expenses of keeping the same in operation, including Engineers, assistants, fuel, &c. &c.; which was read, and adopted.

Mr. Browning offered the following resolution, viz:

Resolved by the Senate, the House of Representatives concurring herein, That the committee on the Judiciary in the Senate, and the committee on the Judiciary in the House, be appointed a joint committee on the part of the two Houses to examine into the condition of the Fund Commissioners' office, and report thereon; Also that said committee be instructed to examine all contracts made by the Fund Commissioners for the sale of State Bonds since the adjournment of the Legislature in March last, and report whether said sales have been made in conformity to law, and whether the State is or is not bound to ratify the same; also, to examine all contracts made for the sale of State Bonds on account of the Illinois and Michigan Canal, and report whether they have been made in conformity with law, and whether the State is or is not bound thereby; which was read and adopted.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Woodworth asked and obtained leave to introduce a bill, entitled "An act to vacate the town of Cottage Grove, in the county of Cook," which was read, and

Ordered to a second reading.

On motion of Mr. Woodworth,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and

Ordered to be engrossed, and read a third time.

Mr. Harrison asked and obtained leave to introduce a bill, for "An act to authorize John A. Clark, to build a bridge across the Pickatonica;" which was read, and

Ordered to a second reading.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Ross moved to take up a bill some days since laid on the table, entitled "An act to amend an act, entitled 'An act to provide for certain improvements in Pike county;'" which was not agreed to.

The bill, entitled "An act to incorporate the Clinton Steam Mill Company," was read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The bill, entitled "An act to amend an act, entitled 'An act concerning justices of the peace and constables,' approved February 3, 1827," was read a third time.

And on the question—Shall said bill pass?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Greer, Harrison, Little, Markley, Mills, Moore, Murray, Richardson, Ross, and Servant—17.

Those who voted in the negative, are,

Messrs. Fithian, Gatewood, Gibbs, Hunter, Herndon, Johnston, Nunnally, Parrish, Stadden, Warren, Witt, Woodworth and Wood—13.

Mr. Gatewood moved to amend the title, by striking out the title and inserting as follows:

"An act to enable the creditor to harrass the debtor."

Mr. Davidson moved to amend the amendment, by adding "at the creditors own costs;" which was agreed to.

And the question recurring on the adoption of the amendment as amended,

It was decided in the negative.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The bill, entitled "An act for the relief of Contractors on Public Works in this State," was read,

Whereupon,

Mr. Herndon moved to amend, by adding the following as a proviso, to wit:

Provided also, That Contractors may, at their option, have such drafts issued in any amounts not less than five hundred dollars.

Mr. Davidson moved to recommit said bill, together with said amendment, to the committee on Internal Improvements, with instructions to so amend the bill as to permit the issuing of drafts for the sum of one hundred dollars; which was decided in the affirmative.

The bill, entitled "An act to provide for holding an additional term of the Circuit Court in the county of Peoria," was read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

On motion,

The Senate adjourned.

FRIDAY, DECEMBER 27, 1839.

Senate met pursuant to adjournment.

On motion of Mr. Little,

Leave of absence was granted to Mr. Ross until Thursday next.

Mr. Speaker laid before the Senate a communication from the Fund Commissioners, containing their report in answer to a resolution of the Senate, in relation to the amount of Bonds sold and the payment of the interest on the same, &c.; which was read, and,

On motion of Mr. Herndon,

Said report was laid on the table and ordered to be printed for the use of the Senate, and that the Secretary furnish the committee on the Judiciary a copy of the same.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Speaker laid before the Senate a communication from the Fund Commissioners in answer to a resolution of the Senate in relation to the sale of Bonds to Messrs. Wright & Co. of London, and the forwarding of the same, &c.; which was read, and

On motion of Mr. Gatewood,

Said report was laid on the table and ordered to be printed, and that the Secretary furnish the committee on the Judiciary with a copy of the same.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Davidson, from the committee on the Judiciary, to which was referred the petition of Idiez Jones, praying to be divorced; reported the same back, and asked to be discharged from a further consideration of the subject; which was agreed to, and,

On motion of Mr. Little,

Said petition was laid on the table.

Mr. Borough, from the committee on Public Roads, to which was referred the petition of sundry citizens of Kane county, praying that the petition of the county commissioners of said county be granted, reported that said committee have had the same under consideration, and that the commissioners ask the Legislature to give them entire control over State roads in said county.

Your committee are of opinion that it would be impolitic to give the county courts jurisdiction over State Roads; wherefore, your committee deem it inexpedient to grant the request of the petitioners, and ask to be discharged from the further consideration of the subject; which was agreed to, and,

On motion of Mr. Borough,

Said petitions were laid on the table.

Mr. Borough, from the committee on Public Roads, to which was referred the petition of sundry citizens of Shelby and Macon counties, praying the relocation of a State road from Charleston to Andrew Wilson's in Macon county, reported a bill, entitled "An act to relocate a State road from Charleston to Andrew Wilson's, in Macon county;" which was read, and

Ordered to a second reading.

On motion of Mr. Warren,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and

Ordered to be engrossed and read a third time.

Mr. Browning offered the following resolution for adoption, viz:

Resolved, That the Governor be respectfully requested to cause to be laid before the Senate, all contracts, if any, which have been made for the sale or hypothecation of State Bonds on account of the Illinois and Michigan Canal, and which are not included in the documents accompanying the message; which was read and adopted.

Mr. Warren asked and obtained leave to introduce a bill, entitled "An act to grant pre-emption rights upon land owned by the State, and entered for Internal Improvement purposes;" which was read, and,

Ordered to a second reading.

On motion of Mr. Warren,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and

On motion of Mr. Weatherford,

Referred to the committee on Internal Improvements.

Mr. Markley asked and obtained leave to introduce a bill, entitled "An act to authorize the county commissioners' court of Fulton county to change and alter State roads in said county;" which was read, and

Ordered to a second reading.

On motion of Mr. Warren,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

On motion of Mr. Stadden,

Referred to the committee on Public Roads.

Mr. Harrison asked and obtained leave to introduce a bill, entitled "An act to authorize the county of Jo Daviess to borrow money;" which was read, and

Ordered to a second reading.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

The engrossed bills, entitled

"An act to amend an act to incorporate the Beet Sugar, Silk and Vegetable Oil Manufacturing Company, approved February 27, 1837;"

"An act to amend an act to authorize Henry W. Cleveland to build a toll Bridge across the Winnébagó Swamp, approved February 19, 1839;"

"An act to revive and continue in force an act, entitled 'An act to locate a certain State road therein mentioned,' approved Feb. 27, 1839;"

"An act to vacate the plat of the town of Cottage Grove, in the county of Cook;"

"An act for the incorporation of the Fayette Steam Mill Company;" and

"An act to incorporate Shiloh College;"

Were severally read a third time and passed.

Ordered, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bills.

The engrossed bill, entitled "An act to amend an act concerning the public revenue," was read a third time and passed.

Mr. Little moved to amend the title of said bill, so as to make it read "An act requiring Pedlers to procure licences;" which was agreed to.

Ordered. That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The bills from the House of Representatives, entitled

“An act to legalize the survey and relocation of part of a State road therein named;”

“An act for the relief of Lake county;” and

“An act to amend an act, entitled ‘An act to vacate the survey and plat of the town of Middleton;’”

Were severally read a second time, and

Ordered to a third reading.

The bill from the House of Representatives, entitled “An act authorizing the school commissioners of Greene county to sell a section of land therein named,” was read a second time, and,

On motion of Mr. Little,

Referred to the committee on School Lands and Education.

A message from the House of Representatives, by I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate, that they have concurred with them in the passage of a resolution making the committee on the Judiciary in the Senate, and the same committee in the House, a joint select committee, to examine into the condition of the Fund Commissioners office, &c.

They have also concurred with them in the passage of a resolution requesting the House of Representatives to furnish the Senate with a copy of the report of the Board of Canal Commissioners. And he withdrew.

The resolution from the House of Representatives in relation to the reception of no new business after the 15th of January next, being again under consideration,

And the question recurring on the motion of Mr. Murray to strike out “fifteenth,” and insert “first” in lieu thereof,

Mr. Davidson moved to lay the said resolution on the table;

Which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Davidson, Herndon, Johnston, Little, Mills, Parrish, Servant and Stadden—10.

Those who voted in the negative, are,

Messrs. Blackwell, Browning, Butler, Churchill, Fithian, Gaston, Gibbs, Greer, Hunter, Harrison, Markley, Moore, Murray, Nunnally, O’Rear, Richardson, Warren, Weatherford, Witt, Woodworth and Wood—21.

Mr. Richardson moved to reconsider the vote just taken upon laying said resolution on the table.

On motion,

The Senate adjourned.

SATURDAY, DECEMBER 28, 1839.

Senate met pursuant to adjournment.

Mr. Harrison, from the committee on the Judiciary, to which was referred a bill, entitled "An act to authorize the county of Jo Daviess to borrow money," reported the same back without amendment.

Ordered to be engrossed, and read a third time.

Mr. Browning, from the committee on the Judiciary, to which was referred a bill, entitled "An act supplementary to an act to incorporate the town of Bloomington," reported the same back without amendment.

Ordered to be engrossed, and read a third time.

Mr. Harrison, from the committee on the Judiciary, to which was referred a bill, entitled "An act to authorize John A. Clark to build a bridge across the Pickatonika," reported the same back with sundry amendments thereto; which were severally read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Davidson, from the committee on the Judiciary, to which was referred a bill, entitled "An act to amend an act, entitled 'An act to incorporate the Union Agricultural Society,'" reported the same back with sundry amendments thereto; which were severally read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Murray offered the following resolution, viz:

Resolved, That the Commissioners of Public Works report to the Senate the number of Engineers and agents in the employ of the State, and the different Public Works; and, also, the amount of their pay at this time; which was read and adopted.

Mr. Witt offered the following resolution, viz:

Resolved by the Senate, That after the first day of January next, the regular meetings of the Senate shall be at nine o'clock, A. M.; which was read,

And on the question—Shall said resolution be adopted?

It was decided in the negative.

Mr. Markley offered the following resolution, viz:

Resolved, That the committee on the Judiciary be requested to inquire into the expediency of so amending the law, that in all cases before a justice of the peace, the plaintiff, his agent or attorney, shall file with such justice, at the commencement of his action, a bill of the particulars of his demand, and the defendant, if required by the plaintiff, his agent or attorney, shall file a like bill, of the particulars he may claim as a set off, before entering into trial, and the evidence on the trial shall be confined to the items set forth in said bill; which was read and adopted.

Mr. Witt asked and obtained leave to introduce a bill, entitled "An act for the benefit of the counties of Greene and Jersey;" which was read, and

Ordered to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Finance.

Mr. Weatherford asked and obtained leave to introduce a bill, entitled "An act to repeal an act, entitled 'An act to create and maintain a general system of Internal Improvements;'" which was read, and

Ordered to a second reading.

On motion of Mr. Browning,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the same committee of the Whole Senate, to which were heretofore referred sundry propositions on the same subject.

Mr. Stadden asked and obtained leave to introduce a bill, entitled "An act to legalize the assessment of taxes in the county of De Kalb, for the year 1839;" which was read, and

Ordered to a second reading.

On motion of Mr. Stadden,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and referred to the committee on Finance.

Mr. Stadden asked and obtained leave to introduce a bill, entitled "An act authorizing Allen P. Hubbard to build a mill dam across Fox river;" which was read, and

Ordered to a second reading.

On motion of Mr. Stadden,

The rule of the Senate was dispensed with, said bill was read a second time by its title, and referred to the committee on Internal Navigation.

Mr. Weatherford asked and obtained leave to introduce a bill, entitled "An act declaring Fox river navigable;" which was read, and

Ordered to a second reading.

On motion of Mr. Stadden,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and

On motion of Mr. Weatherford,

Referred to the committee on Internal Navigation.

Mr. Browning asked and obtained leave to introduce a bill, entitled "An act to amend an act concerning attachments, approved February 12, 1833;" which was read, and

Ordered to a second reading.

On motion of Mr. Browning,

The rule of the Senate was dispensed with, and said bill read a second time, by its title, and referred to the committee on the Judiciary.

Mr. Johnston, from the committee on Enrolled Bills, reported as correctly enrolled, a bill, entitled "An act making partial appropriations."

On motion of Mr. Servant,

The order of business was suspended;

Whereupon,

Mr. Servant moved the adoption of the following preamble and resolution, viz:

Whereas, a large majority of the Banks of the United States, and nearly all of those in the south and west suspended specie payments in the month of October last; *And whereas*, under such circumstances had the Banks of this State kept their vaults open, whilst all around them were closed it would have had the effect to have drained all the specie from Illinois, to sustain and enrich the Banks and Brokers of other States, and

thereby render our own institutions unable to resume specie payments, without oppressing their creditors and loss to the Banks, more than half of the capital of which is owned by the State;

Therefore,

Resolved by the General Assembly of the State of Illinois, That we approve of the suspension of specie payments by the Banks of this State, and so far from censure, that the President and Directors of said Banks are entitled to our thanks for adopting a measure so necessary to protect the true interests of the People, as well as the Treasury of the State.

Resolved, That the suspension of specie payments under the present circumstances, has not in the least impaired, but strengthened our confidence in the ability and disposition of the Banks of Illinois to redeem their notes in specie as soon as other Banks shall resume such payments; which was read;

Mr. Richardson moved to lay the same on the table;

Which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Gaston, Gibbs, Greer, Harrison, Little, Mills, Moore, Murray, Nunnally, O'Rear, Parrish, Richardson, Servant, Sergeant, Stadden, Warren, Witt, Woodworth and Wood—26.

Those who voted in the negative, are,

Messrs. Bostick, Herndon, Johnston, Markley, and Weatherford—5.

A message from the Governor, by A. P. Field, Secretary of State:

Mr. Speaker: I am directed by the Governor, to lay before the Senate a communication in writing. And he withdrew.

The bills from the House of Representatives, entitled

“An act for the relief of Lake county;”

“An act to amend an act, entitled ‘An act to vacate the survey and plat of the town of Middleton;’ and

“An act to legalize the survey and relocation of a part of a State road therein named;”

Were severally read a third time and passed.

Ordered, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The resolution having for its object the non-reception of new business after the 15th day of January next, being again under consideration;

And the question recurring on the motion of Mr. Richardson, to reconsider the vote to lay on the table,

It was decided in the affirmative.

Whereupon,

Mr. Richardson moved that the Senate adjourn; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Davidson, Gibbs, Herndon, Johnston, Mills, Nunnally, Richardson and Servant—8.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Fithian, Gaston, Greer, Harrison, Little, Markley, Moore, Murray, O’-

Rear, Parrish, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—23.

And the question again recurring on the motion of Mr. Davidson to lay said resolution on the table,

It was decided in the affirmative.

The preamble and resolutions contained in the said message from the House of Representatives, in relation to an appropriation for the improvement of the Cumberland road by Congress, for the year 1840; were read and adopted.

Ordered, That the Secretary inform the House of Representatives thereof.

The third resolution contained in said message, having for its object the appointment of a joint select committee to wait on the Clergy, and that they be requested to open the settings of the two Houses with prayer; was read, and,

On motion of Mr. Davidson,

Laid on the table until the 4th day of July next.

The bill from the House of Representatives, entitled "An act in relation to the State Bank of Illinois," was read, and

Ordered to a second reading.

The bill from the House of Representatives, entitled "An act to vacate a part of a State road in Scott county," was read, and

Ordered to a second reading.

On motion of Mr. Weatherford,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Public Roads.

The bill from the House of Representatives, entitled "An act to authorize William H. Piatt, administrator of James A. Piatt, deceased, to execute deeds to certain lots in the town of Monticello," was read, and

Ordered to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act to alter the State road leading from Vincennes to Palestine," was read, and

Ordered to a second reading.

On motion of Mr. Murray,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

On motion of Mr. Greer,

Referred to the committee on Public Roads.

The bill from the House of Representatives, entitled "An act to relocate a part of a State road in Johnson county," was read, and

Ordered to a second reading.

On motion of Mr. Gibbs,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Public Roads.

The bill from the House of Representatives, entitled "An act to authorize Benjamin W. Pope and William Gassaway, to build a mill dam;" which was read, and

Ordered to a second reading.

On motion of Mr. Parrish,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Internal Navigation.

The bill from the House of Representatives, entitled "An act to amend an act, entitled 'An act to increase the corporate powers of the town of Chester,'" was read, and

Ordered to a second reading.

On motion of Mr. Servant,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

On motion of Mr. Little,

Referred to the committee on the Judiciary.

Mr. Speaker announced that the communication just received from the Governor was upon Executive business;

Whereupon,

The doors were closed.

And upon the opening of the doors,

On motion,

The Senate adjourned.

MONDAY, DECEMBER 30, 1839.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a communication from the Fund Commissioners, containing their report of the contracts made by them for the sale of Bonds for the State of Illinois; which was read, and,

On motion of Mr. Browning,

Laid on the table.

Mr. Witt presented the petition of William Howell, of Calhoun county, praying for relief; which was read, and,

On motion of Mr. Witt,

Referred to the committee on Public Accounts and Expenditures.

Mr. Weatherford presented the petition of sundry citizens of Scott county, praying the removal of the Penitentiary;

On motion of Mr. Weatherford,

The reading of the same was dispensed with, and referred to the committee on the Penitentiary.

Mr. Parrish presented the petition of sundry citizens of Franklin county, praying for a State Road; and,

On motion of Mr. Parrish,

The reading of the same was dispensed with, and referred to the committee on Petitions.

Mr. Hamlin presented the petition of sundry citizens of La Salle county, praying a division of said county; and,

On motion of Mr. Hamlin,

The reading of the same was dispensed with, and referred to the committee on Petitions.

Mr. Fithian presented the petition of sundry citizens of Vermilion county, praying the location of a State road;

Mr. Fithian moved to dispense with the reading of the petition, and that the same be referred to the committee on Public Roads;

Mr. Borough moved to amend the motion, so as to make it a motion to lay the same on the table; which was decided in the affirmative.

Mr. Johnston presented the petition of Barton Atchison and others of Jefferson county, praying the relocation of a certain State road;

Mr. Johnston moved that the reading of said petition be dispensed with, and that the same be referred to the committee on Public Roads;

Mr. Borough moved to amend the motion, so as to make it a motion to lay the same on the table; which was decided in the affirmative.

Mr. Harrison presented the petition of the President, Secretary and Treasurer of the Rock Island Mutual Fire Insurance Company; which was read, and,

On motion of Mr. Harrison,

Referred to the committee on the Judiciary.

Mr. Hamlin presented the petition of the trustees of the town of Peoria, praying the Legislature to grant them the right to keep a ferry across the Illinois river; which was read, and,

On motion of Mr. Hamlin,

Referred to the same select committee to which was referred the petition of Wm. L. May on the same subject.

Mr. Johnston, from the committee on Enrolled Bills, reported that they have this day laid before the Council of Revision a bill, entitled "An act making partial appropriations."

Mr. Hacker, from the committee on Finance, to which was referred a bill, entitled "An act providing for the election of a public Binder and defining his duties," reported the same back without amendment, and recommend the rejection of said bill.

On motion of Mr. Weatherford,

Said bill was laid on the table.

Mr. Hacker, from the committee on Finance, to which was referred the preamble and resolution in relation to the donation of a portion of the public lands in the State of Illinois by Congress, for Internal Improvement purposes, reported the same back without amendment and recommend the passage of the same.

Mr. Fithian called for a division of the question;

And the question being first taken on the adoption of the resolution,

It was decided in the affirmative.

And the question recurring on the adoption of the preamble,

It was decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Hacker, from the committee on Finance to whom was referred a resolution with instructions, in relation to the payment of Auditor's warrants, reported a bill, entitled "An act to authorize the State Bank to pay Auditor's warrants;" which was read, and

Ordered to a second reading.

Mr. Harrison, from the committee on the Judiciary, to which was referred a bill, entitled "An act to incorporate the Rock Island University,"

reported the same back with sundry amendments thereto; which were severally read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Little, from the committee on the Judiciary, to which was referred a bill from the House of Representatives, entitled "An act to amend an act, entitled 'An act to increase the corporate powers of the town of Chester,'" reported the same back without amendment;

Ordered to a third reading.

Mr. Weatherford offered the following resolution, viz:

Resolved, That the Commissioner of the first Judicial Circuit be respectfully requested to furnish the Senate with the profiles and surveys of that part of the Northern Cross railroad, lying between the residence of Joseph Duncan and the Mauvisterre bridge, east of Jacksonville, together with the estimates of Engineers on the different routes between said points; and that said Commissioner also furnish a copy of the protest of the county commissioners court of Morgan county, against the passage of said road through the public square, in the town of Jacksonville; which was read and adopted.

Mr. Weatherford offered the following resolution, viz:

Resolved by the Senate, That the Commissioner of Public Works of the first Judicial Circuit, be requested to report to the Senate forthwith the whole cost, viz: the amount paid, and to be paid, of that part of the Northern Cross railroad situated between Meredosia and Jacksonville; which was read and adopted.

Mr. Gatewood offered the following resolution, viz:

Resolved, That the committee on Public Works, be severally requested to inform the Senate what amount of monies the State is now indebted to Contractors for work done upon the Public Works under their charge, and that the members of said Board, severally, be also requested to report what amount of certificates have been issued by each, stating that the contractors holding them would be entitled to the sum mentioned upon the presentation of such certificate to said Commissioner of Public Works; and also, to state how many drafts drawn by the Commissioners of Public Works, on the Fund Commissioners in favor of Contractors, have been credited to the Commissioners of Public Works, without the money actually having been paid thereon; and also, to inform the Senate the names of the Contractors to whom the State is in anywise indebted; which was read and adopted.

Mr. Gatewood offered the following resolution, viz:

Resolved, That the committee on Internal Improvements, shall have power to cause to come before them all the various Contractors in this State, who have performed work for the State on any of the works in charge of the Commissioners of Public Works, and to whom the State may be in anywise indebted for such work, and ascertain the same and report thereon by bill or otherwise; which was read and adopted.

A message from the House of Representatives, by Mr. I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution, in which they ask the concurrence of the Senate.

Resolved by the General Assembly, That a joint select committee of six on the part of the House, and three on the part of the Senate, be appointed to proceed to Jacksonville to examine that part of the railroad finished, together with its fixtures, and make report to the present General Assembly, as they may think the merits of the work require: *Provided,* said committee perform said duty at their own expense, and not devote more than two days to said examination; and have appointed Messrs. Roman, English, Murphy of Vermilion, Murphy of Perry, Allen of Franklin and Naper, the committee on their part.

They have also passed the following resolution, viz:

Resolved by the House of Representatives, the Senate concurring herein, That the Governor be requested to write to the Hon. R. M. Young, and direct him not to forward to Messrs. Wright & Co. of London, any more State Bonds for sale or otherwise; and that he also be requested not to draw for the amount arising from the sale of Bonds made by him to the said Wright & Co., until further action is had by the Legislature on that subject.

In the adoption of which, they ask the concurrence of the Senate.

They have also, passed the following preamble and resolution; in the passage of which they ask the concurrence of the Senate.

Whereas, Great difficulty is experienced by the settlers upon the public lands in obtaining such funds as are receivable in payment at the Land Offices; *And whereas,* that difficulty would be greatly diminished by giving the settlers an earlier notice of the time of bringing the lands into market, thereby enabling them to dispose of property to convert their paper into specie, or otherwise procure the means of paying for their lands.

Therefore,

Resolved by the House of Representatives, the Senate concurring herein, That our Senators in Congress be instructed, and our Representatives requested, to use their endeavors to procure such an alteration in the practice of the Land office Department, as to give six months public notice previous to the time of bringing any of the public lands into market.

They have also passed bills of the following titles, viz:

“An act to incorporate Georgetown, in the county of Randolph;”

“An act to incorporate the Sangamon Coal Bank Bridge Company;”
and

“An act to incorporate the Middlesex Steam Mill Company;”

In the passage of which, they ask the concurrence of the Senate. And he withdrew.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have passed the following preamble and resolutions:

Whereas, The obstructions to the navigation of the Mississippi river, occasioned by the Des Moines and Rock Island Rapids, are a serious interruption to its navigation, and occasion great loss of time and expense of money to merchants and others navigating the Upper Mississippi river, so much so, that the extra charges on freight and passengers, during the low stages of water the past season, has exceeded one hundred thousand

dollars; *And whereas*, the improvement in the navigation of the Mississippi river is entirely and exclusively under the jurisdiction of the General Government,

Therefore,

Resolved unanimously by the House of Representatives, the Senate concurring herein, That our Senators in Congress be instructed, and our representatives requested, to use their best exertions to procure, at the present session of Congress, an appropriation of at least three hundred thousand dollars to be applied to the speedy removal of these obstructions; and the passage of an act for the simultaneous prosecution of the work at both Rapids, by contract or otherwise, so as to insure the speedy accomplishment of this object.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress, with a request to lay them before each House of Congress.

In the adoption of which they ask the concurrence of the Senate. And he withdrew.

Mr. Weatherford asked and obtained leave to introduce a bill, entitled "An act for the benefit of Morgan county;" which was read, and

Ordered to a second reading.

On motion of Mr. Weatherford,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Internal Improvements.

Mr. Witt asked and obtained leave to introduce a bill, entitled "An act to amend an act, entitled 'An act to amend the several acts in relation to common schools,' approved March 4, 1837;" which was read, and

Ordered to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to be engrossed, and read a third time.

Mr. Gibbs asked and obtained leave to introduce a bill, entitled "An act to amend an act to establish the county of Hardin, approved March 2, 1839;" which was read, and

Ordered to a second reading.

On motion of Mr. Gibbs,

The rule of the Senate was dispensed with, said bill read a second time by its title;

Mr. Witt moved to amend said bill, by inserting after the word "Commissioner," in the fourth section of said bill, the words "and a county commissioners clerk, and all other county officers elective by the people;" which was decided in the affirmative.

Whereupon,

On motion of Mr. Gatewood,

The rule of the Senate was further dispensed with, said bill read a third time, as amended, by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives of the passage of said bill, and ask their concurrence therein.

Mr. Woodworth asked and obtained leave to introduce a bill, entitled "An act to amend an act, entitled 'An act to prevent trespassing by cutting timber,' approved February 27, 1819;" which was read, and
Ordered to a second reading.

On motion of Mr. Woodworth,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

On motion of Mr. Little,

Referred to the committee on the Judiciary.

Mr. Browning asked and obtained leave to introduce a bill, entitled "An act to incorporate the city of Quincy;" which was read, and

Ordered to a second reading.

On motion of Mr. Browning,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to be engrossed, and read a third time.

On motion of Mr. Gatewood,

The order of business was suspended;

Whereupon,

Mr. Gatewood, from the committee on School Lands and Education, to which was referred the petition of the trustees of the Knox Manual Labor College, reported a bill, entitled "An act to amend an act to incorporate the Knox Manual Labor College;" which was read, and

Ordered to a second reading.

On motion of Mr. Butler,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to be engrossed, and read a third time.

On motion,

The Senate adjourned.

TUESDAY, DECEMBER 31, 1839.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate the report of the Treasurer, in relation to the monthly receipts and expenditures of the Treasury Department; which was read, and,

On motion of Mr. Servant,

Laid on the table and ordered to be printed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Witt, from the committee on Public Accounts and Expenditures, to which was referred the petition of William Howell, praying for relief, reported a bill, entitled "An act for the relief of William Howell, of Calhoun county;" which was read, and

Ordered to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and

Ordered to be engrossed, and read a third time.

Mr. Herndon, from the committee on Internal Navigation, to which was referred a bill, entitled "An act declaring Fox river navigable," reported the same back without amendment;

Ordered to be engrossed, and read a third time.

Mr. Herndon, from the committee on Internal Navigation, to which was referred a bill, entitled "An act authorizing Allen P. Hubbard to build a mill dam across Fox river," reported the same back with an amendment thereto, which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Parrish, from the committee on Internal Navigation, to which was referred a bill from the House of Representatives, entitled "An act to authorize Benj. W. Pope and William Gassaway to build a mill dam," reported the same back with an amendment; which was read, and concurred in.

Ordered that said bill, as amended, be read a third time.

Mr. Wood, from the committee on Petitions, to which was referred the petition of sundry citizens of Franklin county, praying for a State road, reported a bill, entitled "An act to locate a State road therein named;" which was read, and

Ordered to a second reading.

Mr. Harrison, from the committee on the Judiciary, to which was referred the petition of the President, Secretary and Treasurer of the Rock Island Mutual Fire Insurance Company," reported a bill, entitled "An act to amend an act, entitled 'An act to incorporate the Rock Island Mutual Fire Insurance Company;'" which was read, and

Ordered to a second reading.

Mr. Wood, from the committee on Petitions, to which was referred the petition of the citizens of La Salle county, praying a division of said county, reported the same back, and asked to be discharged from a further consideration of the subject; which was agreed to.

Whereupon,

On motion of Mr. Stadden,

Said petition was laid on the table.

Mr. Little, from the committee on the Judiciary, to which was referred a resolution instructing said committee to report a bill in relation to the tenure of the office of the Clerks of the Circuit Court, reported a bill, entitled "An act to limit the duration of the office of Clerks of the Circuit Courts;" which was read, and

Ordered to a second reading.

A message from the House of Representatives, by I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate that they have passed the following preamble and resolution, viz:

Whereas, The General Government, in surveying and subdividing the lands on the Embarrass river, omitted to subdivide township five north, range fourteen west, or any part thereof, considering and returning said

township as inundated and drowned land, in which situation it still remains, a part of which may be cultivated, and is now partly settled; *And whereas*, it is highly important to the settlers in said township that the same should be disposed of and they secured in their homes, and as the improvement of said river, is of great importance to the citizens living near said river to enable them to transport their surplus produce.

Resolved by the General Assembly of the State of Illinois, That our Senators in Congress be instructed, and our Representatives be requested, to use their best exertions to have a law passed by Congress donating said drowned township to the State, authorizing the State to sell the same, the avails thereof, to be applied exclusively to the improvement of said Embarrass river, which river is navigable some distance from its mouth, and which has been examined according to an act passed at the last General Assembly, and it is found to be fully susceptible of improvement.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolution, to each of our Senators and Representatives in Congress.

In the adoption of which they ask the concurrence of the Senate. And he withdrew.

Mr. Gatewood moved the adoption of the following resolution, viz:

Resolved, That the committee on Internal Improvements, be instructed to inquire into the expediency of re-instating the State Bank of Illinois, and authorizing the said Bank, together with the Bank of Illinois, to issue post notes payable six months after date, to enable the State to pay off Contractors immediately for the debts due from the State to such Contractors; and also, to provide that the money due on loans now made be placed to the credit of said Banks respectively, to re-imburse them for the advances herein contemplated to be made; which was read,

And on the question—Shall said resolution be adopted?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Fithian, Fletcher, Gatewood, Gibbs, Greer, Hacker, Hunter, Harrison, Little, Mills, Moore, Nunnally, O'Rear, Parrish, Servant, Sergeant, Stadden, Weatherford and Wood—25.

Those who voted in the negative, are,

Messrs. Bostick, Davidson, Gaston, Hamlin, Herndon, Johnston, Markley, Monroe, Murray, Richardson, Warren, Witt and Woodworth—13.

Mr. Witt offered the following resolution, viz:

Resolved, That the committee on Public Accounts and Expenditures, be instructed to inquire into the expediency of so amending the law permanently locating the Seat of Government of the State of Illinois, as to only require the services of two Commissioners to superintend the building of the State House, and that they report by bill or otherwise; which was read and adopted.

On motion,

The Senate adjourned until Thursday next.

THURSDAY, JANUARY 2, 1840.

Senate met pursuant to adjournment.

Mr. Harrison presented the petition of sundry citizens of Winnebago and Boone counties, praying the location of a road from Peru, by Coltonville and Belvidere, to Belvit.

On motion of Mr. Harrison,

The reading of the same was dispensed with, and referred to the committee on Public Roads.

Mr. Stadden moved the adoption of the following resolution, viz:

Resolved by the Senate, That the committee on Finance be requested to confer with the President and Directors of the State Bank of Illinois, to ascertain if said officers will agree to have the charter of said Bank amended as follows, viz:

1. The State to own \$2,100,000, with the privilege of increasing the amount to \$3,000,000.

2. The individual stockholders to own \$1,544,655, with the privilege of increasing the same to \$2,000,000.

3. The faith of the State and the individual property of the individual stockholders, in addition to the stock, to be bound for the redemption of the notes.

4. The Directors of said Bank to be divided between the State and individual stockholders, in proportion to the amount of stock owned by each party; and that said committee report by bill or otherwise.

Mr. Hacker moved to amend said resolution, by striking out so much of the 4th proposition as relates to the directory of said Bank; which was decided in the affirmative.

Mr. Servant moved to reconsider the vote just taken upon striking out; which was agreed to.

And the question recurring on the adoption of the amendment proposed by Mr. Hacker,

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Blackwell, Browning, Butler, Churchill, Fithian, Fletcher, Gatewood, Gibbs, Greer, Hacker, Hamlin, Hunter, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant and Wood—24.

Those who voted in the negative, are,

Messrs. Bostick, Davidson, Gaston, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt and Woodworth—15.

And on the question—Shall said resolution be adopted?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Bostick, Browning, Fithian, Fletcher, Gatewood, Gibbs, Hacker, Hunter, Johnston, Mitchell, Monroe, Nunnally, Parrish, Richardson, Stadden and Weatherford—16.

Those who voted in the negative, are,

Messrs. Allen, Blackwell, Butler, Churchill, Davidson, Gaston, Greer, Hamlin, Harrison, Herndon, Little, Markley, Mills, Moore, Murray, O'Rear, Ross, Servant, Sergeant, Warren, Witt, Woodworth and Wood—23.

Mr. Mitchell moved the adoption of the following resolution, viz:

Resolved by the Senate, That the Secretary be authorized to call to his assistance, whenever the business of the Senate requires, Benjamin Kellogg, to aid in the discharge of his duties as such Secretary;

Mr. Monroe moved to amend said resolution, by striking out the name of "Benjamin Kellogg," and insert "some competent person to be designated by the Senate."

Mr. Richardson moved the indefinite postponement of the resolution, together with the proposed amendment; which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Blackwell, Butler, Fithian, Gaston, Gibbs, Hacker, Hunter, Herndon, Johnston, Little, Markley, Monroe, Murray, Nunnally, Parrish, Richardson, Ross, Sergeant, Stadden, Weatherford, Woodworth and Wood—22.

Those who voted in the negative, are,

Messrs. Allen, Bostick, Browning, Churchill, Davidson, Fletcher, Gatewood, Greer, Hamlin, Harrison, Mills, Mitchell, Moore, O'Rear, Servant, Warren and Witt—17.

Mr. Little asked and obtained leave to introduce a bill, entitled "An act to authorize certain persons therein named to keep a ferry;" which was read, and

Ordered to a second reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and

Ordered to be engrossed and read a third time.

Mr. Stadden asked and obtained leave to introduce a bill, entitled "An act to amend an act to incorporate the La Salle Charity Hospital, approved February 23, 1839;" which was read, and

Ordered to a second reading.

Mr. Herndon asked and obtained leave to introduce a bill, entitled "An act to revive the charter of the late State Bank;" which was read, and

On the question—Shall said bill be read a second time?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Bostick, Gaston, Hunter, Herndon, Johnston, Parrish, Stadden and Weatherford—8.

Those who voted in the negative, are,

Messrs. Allen, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gatewood, Gibbs, Greer, Hacker, Hamlin, Harrison, Little, Markley, Mills, Mitchell, Moore, Monroe, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Warren, Witt, Woodworth and Wood—31.

On motion of Mr. Richardson,

The order of business was suspended;

Whereupon,

Mr. Richardson moved to take up the resolution, some days since laid on the table, in relation to recommending the call of a Convention to alter the Constitution; which was agreed to.

And the vote being taken upon the adoption of the resolution, it stood as follows:

Those who voted in the affirmative, are,

Messrs. Allen, Bostick, Blackwell, Browning, Butler, Churchill, Fletcher, Hamlin, Harrison, Herndon, Little, Markley, Moore, Monroe, Nunnally, Parrish, Richardson, Ross, Stadden, Warren, Weatherford, Witt and Woodworth—23.

Those who voted in the negative, are,

Messrs. Davidson, Fithian, Gaston, Gatewood, Gibbs, Greer, Hacker, Hunter, Johnston, Mills, Mitchell, Murray, O'Rear, Servant, Sergeant, and Wood—16.

And it appearing that a constitutional majority of the Senate had not voted for the adoption of said resolution, it was lost.

Mr. Gibbs asked and obtained leave to introduce a bill, entitled "An act to authorize Pope county to pay off public debt;" which was read, and

Ordered to a second reading.

Mr. Gibbs moved to dispense with the rule of the Senate, and that said bill be now read a second time by its title; which was not agreed to.

Mr. Stadden asked and obtained leave to introduce a bill, entitled "An act to establish a Company for Manufactures;" which was read, and

Ordered to a second reading.

Mr. Murray asked and obtained leave to introduce a bill, entitled "An act to amend an act for the probate of wills in certain cases, in force March 2, 1839;" which was read, and

Ordered to a second reading.

Mr. Bostick asked and obtained leave to introduce a bill, entitled "An act supplemental to an act, entitled 'An act to amend the several acts in relation to common schools,' approved March 4, 1837;" which was read, and

Ordered to a second reading.

The engrossed bill, entitled "An act to repeal part of an act regulating the interest of money," was read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The engrossed bill, entitled "An act to change the name of Worcester, to that of Barry," was read a third time and passed.

On motion of Mr. Ross,

The title of said bill was amended, by inserting after the word "Worcester," the words "in Pike county."

Ordered, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The engrossed bill, entitled "An act to relocate a State road from Charleston, to Andrew Wilson's in Macon county," was read a third time;

Mr. Monroe moved to refer said bill to a select committee;

Mr. Richardson moved to recommit said bill to the committee on Public Roads; which was decided in the affirmative.

On motion,

The Senate adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Witt,

The Senate resolved itself into a committee of the Whole Senate, on the bills and resolutions heretofore referred to said committee, on the subject of Internal Improvements;

Mr. Harrison in the chair, and after some time spent therein,

Mr. Speaker resumed the chair; Mr. Harrison reported, that the committee of the Whole, had, according to order, had said bills and resolutions under consideration, and had made some progress therein, and had directed him to report the same and ask leave to sit again; which was agreed to.

On motion,

The Senate adjourned.

FRIDAY, JANUARY 3, 1840.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a communication from J. B. Thomas, Esq., acting Commissioner of the Board of Public Works, for the first Judicial Circuit, containing his report of the money expended on the Northern Cross railroad between Jacksonville and Meredosia, pursuant to a resolution of the Senate; which was read, and,

On motion of Mr. Witt,

Laid on the table.

On motion of Mr. Richardson,

The vote taken yesterday upon postponing indefinitely the resolution together with the proposed amendment in relation to an additional Assistant Secretary, was reconsidered;

Whereupon,

On motion of Mr. Little,

Said resolution together with the proposed amendment was laid on the table.

Mr. Little, from the committee on the Judiciary, to which was referred a bill from the House of Representatives, entitled "An act to authorize William H. Piatt, administrator of James A. Piatt, deceased, to execute deeds to certain lots in the town of Monticello," reported the same back without amendment and recommended the rejection of said bill.

Mr. Little moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Harrison, from the committee on the Judiciary, to which was referred a bill, entitled "An act to attach the county of Lee to the sixth Judicial district," reported the same back with an amendment, which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act to amend an act concerning attachments, approved February 12, 1833," reported the same back with an amendment; which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Browning offered the following resolution, viz:

Resolved, That so much of the report of the Auditor of Public Accounts as relates to an amendment of the revenue law, so as to specify more distinctly the fees of sheriffs and clerks, for entering judgments and selling delinquent lands, be referred to the committee on Finance with instructions to report thereon, by bill or otherwise; which was read and adopted.

Mr. Servant moved the adoption of the following resolution, viz:

Resolved, That the State Directors of the State Bank of Illinois be requested to communicate to the Senate, whether or not they concurred with the directors on the part of the private stockholders in the suspension of specie payments by said Bank, and if they did so, what was the exigency which induced them to do so; which was read and adopted.

On motion of Mr. Hacker,

The vote just taken on the adoption of said resolution, was reconsidered;

Whereupon,

Mr. Hacker moved to amend said resolution by adding the following, viz:

"And that the said State Directors report to the Senate whether the affairs of said Bank have been conducted with fidelity and according to the common rules of Banking, and if in any instance the Bank has failed when possessed of the means to accommodate the wants of the community; and whether they have, or have not, concurred in the transactions of said Bank in discounting bills, notes, &c."

Mr. Davidson moved to amend the amendment by inserting after the word "Directors" "also the Directors of the Bank of Illinois;" which was agreed to.

Whereupon,

The amendment as amended was adopted;

And the question recurring on the adoption of the resolution as amended,

It was decided in the affirmative.

Mr. Churchill offered the following resolution, viz:

Resolved, That the committee on Finance, be instructed to inquire into the expediency of so amending the revenue law, as to authorize the collection of taxes to publish the list of land owned by delinquent land-

holders, in the newspapers having the most extensive circulation in the county in which such lands are situate; which was read and adopted.

Mr. Little asked and obtained leave to introduce a bill, entitled "An act to amend the several laws in relation to practice in courts of law and chancery;" which was read, and

Ordered to a second reading.

On motion of Mr. Ross,

The bill from the House of Representatives, entitled "An act to amend an act, entitled 'An act to provide for certain improvements in Pike county,'" some days since laid on the table, was taken up, and

Ordered to a third reading.

On motion of Mr. Weatherford,

The bill entitled "An act providing for the election of a Public Binder, and defining his duty," some days since laid on the table, was taken up, and,

On motion of Mr. Servant,

Referred to the committee on Military Affairs.

The engrossed bills, entitled

"An act to authorize John A. Clark to build a bridge across the Picketonica;"

"An act supplementary to an act to incorporate the town of Bloomington;"

"An act to authorize the county of Jo Daviess to borrow money;"

"An act to amend an act, entitled 'An act to incorporate the Union Agricultural Society;"

"An act to amend an act, entitled 'An act to amend the several acts in relation to common schools,' approved March 4, 1837;"

"An act to incorporate the city of Quincy;"

"An act to incorporate the Rock Island University;"

"An act authorizing Allen P. Hubbard to build a mill dam across Fox river;"

"An act for the relief of William Howell of Calhoun county;"

"An act declaring Fox river navigable;" and

"An act to amend an act to incorporate Knox Manual Labor College;"

Were severally read a third time, and passed.

Ordered, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bills.

The bill, entitled "An act to authorize the State Bank to pay Auditor's warrants," was read a second time,

And on the question—Shall said bill be engrossed and read a third time?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Bostick, Blackwell, Davidson, Gibbs, Greer, Hamlin, Hunter, Harrison, Mitchell, Moore, Monroe, O'Rear, Ross and Servant—15.

Those who voted in the negative, are,

Messrs. Browning, Butler, Churchill, Fithian, Fletcher, Gaston, Hacker, Herndon, Johnston, Little, Markley, Mills, Murray, Nunnally, Rich-

ardson, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—22.

The bill entitled "An act to limit the duration of the office of Clerks of the Circuit Courts," was read the second time;

Mr. Johnston moved to amend, by striking out after the enacting clause, the first, second and third sections of said bill, and insert as follows, viz:

SEC. 1. That on the first Monday in August next, and on the first Monday in August every fourth year thereafter, an election shall be held in each and every county in this State for the purpose of electing one Clerk to the Circuit Court, which said election shall be conducted in all respects, as elections are conducted for other county officers.

SEC. 2. The person receiving the highest number of votes in their respective counties for said office, shall be considered duly elected to the same, and the Judge of the Circuit Court for the time being, shall at the first term thereof, after any election as aforesaid, appoint the person so elected, to the said office of Clerk, which said Clerk, when so appointed, shall perform such duties, and be under like regulations and restrictions as are now required of Clerks of the Circuit Courts.

SEC. 3. No person shall be eligible to the office of Clerk, under the provisions of this act, unless he shall previous to his election obtain from one of the Judges of the Supreme or Circuit Courts in this State, a certificate, stating that he is qualified to discharge the duties of said office; and it is hereby made the duty of the Judges as aforesaid, to examine all applicants under the provisions of this act, and to give a certificate of the facts in the case.

Which was decided in the negative.

Those who voted in the negative, are,

Messrs. Allen, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gibbs, Greer, Hacker, Hamlin, Hunter, Harrison, Herndon, Little, Markley, Mills, Mitchell, Moore, Monroe, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—36.

Mr. Johnston voting in the affirmative—1.

Mr. Davidson moved to lay said bill on the table; which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Bostick, Browning, Davidson, Fletcher, Gaston, Gibbs, Hacker, Hamlin, Hunter, Harrison, Herndon, Johnston, Mitchell, Murray, Nunnally, O'Rear, Servant, Sergeant, Stadden, Warren, Witt, Woodworth and Wood—23.

Those who voted in the negative, are,

Messrs. Allen, Blackwell, Butler, Churchill, Fithian, Greer, Little, Markley, Moore, Monroe, Richardson, Ross, and Weatherford—13.

The bill, entitled "An act to amend an act, entitled 'An act to incorporate the Rock Island Mutual Fire Insurance Company,'" was read a second time, and

Ordered to be engrossed, and read a third time.

The bill, entitled "An act to locate a State road therein named," was read a second time, and

On motion of Mr. Ross,

Referred to the committee on Public Roads.

The bill, entitled "An act to amend an act for the probate of wills in certain cases, in force March 2, 1839," was read a second time, and

On motion of Mr. Davidson,

Referred to the committee on the Judiciary.

The bill, entitled "An act supplemental to an act, entitled 'An act to amend the several acts in relation to common schools,' approved March 4, 1837," was read a second time, and

On motion of Mr. Servant,

Referred to the committee on School Lands and Education.

The bill, entitled "An act to establish a Company for Manufactures," was read a second time, and,

On motion of Mr. Stadden,

Referred to the committee on the Judiciary.

The bill, entitled "An act to authorize Pope county to pay off public debt," was read a second time, and,

On motion of Mr. Hacker,

Referred to the committee on Finance.

The bill, entitled "An act to amend an act to incorporate the La Salle Charity Hospital, approved February 23, 1839," was read a second time, and,

On motion of Mr. Stadden,

Referred to the committee on Canals and Canal Lands.

The bill from the House of Representatives, entitled "An act to amend an act, entitled 'An act to increase the corporate powers of the town of Chester;'" was read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to authorize Benjamin W. Pope and William Gassaway to build a mill dam," was read a third time, as amended, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendment to said bill.

On motion,

The Senate adjourned.

SATURDAY, JANUARY 4, 1840.

Senate met pursuant to adjournment.

Mr. Stadden presented the petition of sundry citizens of De Kalb county, praying the passage of a law for the construction of certain bridges in said county, and,

On motion of Mr. Stadden,

The reading of the same was dispensed with, and referred to committee on Petitions

Mr. Stadden presented the remonstrance of sundry citizens of De Kalb county, against the passage of a law on the subject of building bridges in said county, and,

On motion of Mr. Stadden,

The reading of the same was dispensed with, and referred to the committee on Petitions.

Mr. Mitchell presented the petition of Darius Phelps, Richard Ratliff, and others, praying the legalizing of so much of the State road from Pekin to Washington, as lies east of the range line between town twenty-five, north of ranges three and four, west of the third principal meridian and west of the bridge near Richard Ratliff's house; which was read, and,

On motion of Mr. Mitchell,

Referred to the committee on Public Roads.

Mr. Mitchell presented the remonstrance of Luman Case, on the same subject, and,

On motion of Mr. Mitchell,

The reading of the same was dispensed with, and referred to the committee on Roads.

Mr. Hacker, from the committee on Finance, to which was referred a bill, entitled "An act to legalize the assessment of taxes in the county of De Kalb for the year 1839," reported the same back without amendment, and recommended the passage of said bill.

Ordered to be engrossed, and read a third time.

Mr. Davidson, from the committee on the Judiciary, to which was referred a resolution in relation to amending the law incorporating the inhabitants of such towns as wish to be incorporated, &c., reported the same back, and asked to be discharged from a further consideration of the subject; which was agreed to.

On motion of Mr. Little,

Said resolution was laid on the table.

Mr. Browning, from the committee on the Judiciary, to which was referred a bill, entitled "An act to establish a company for Manufactures," reported the same back, and recommended the rejection of said bill;

On motion of Mr. Browning,

Said bill was indefinitely postponed.

A message from the House of Representatives, by I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate, that they have adopted the following preamble and resolution, viz:

Whereas, By an act of the General Assembly of the State of Illinois, entitled "An act to establish and maintain a general system of Internal Improvements," it is authorized and provided for the construction of a railroad from Mt. Carmel to Alton;

And whereas, a company has been chartered by the Legislature of Indiana, for the extension of said railroad from Mt. Carmel to New Albany;

And whereas, also, various portions of our Union feel a common interest in the prosecution and completion of said road as obviating the inconveniences arising from the frequent obstructions presented in the naviga-

tion of the Ohio river by low stages of water, &c., to the trade between Louisville, the Wabash valley, St. Louis and New Orleans: Therefore,

Resolved by the People of the State of Illinois represented in the General Assembly, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure from Congress a donation of five hundred thousand acres of the public land lying in the State of Indiana, on and near the line of said road, to the said State of Indiana; and also, a further donation of five hundred thousand acres of public lands, lying in the State of Illinois, on and near the line of said road, to the said State of Illinois, the proceeds of which, or as much as shall be necessary, shall be applied to the completion of the said road.

Resolved, That the Legislatures of the States of Arkansas, Louisiana, Mississippi, Missouri and Indiana, be respectfully requested to urge their respective Senators and Representatives in Congress, to use their best efforts to secure the above named donations.

Resolved, That the Governor be requested to forward a copy of the same to each of our Senators and Representatives in Congress.

Resolved, That the Governor also forward a copy of the same to the Executives of each of the above named States, with a request that they lay the same before the Legislatures of their respective States.

In the adoption of which they ask the concurrence of the Senate.

They have passed bills of the following titles, viz:

"An act to authorize and require the school commissioners of Sangamon county to pay over certain funds to the school commissioners of Mc-nard, Logan and Dane counties;"

"An act to authorize the county commissioners of Union county to borrow money for certain purposes;"

"An act authorizing the re-valuation of sections number sixteen in certain cases;"

"An act to authorize the owners of blocks in the town of Winnebago, to enclose alleys in said blocks;"

"An act to legalize the assessment and collection of the revenue in the counties of Iroquois and Clay, for the year 1839;"

"An act supplemental to an act, entitled 'An act relating to the office of recorder,' approved January 8, 1829;"

"An act to change a part of a State road from Napersville in Du Page county, to Indian creek in McHenry county;"

"An act supplemental to an act to incorporate the Bainbridge Academy, approved March 2, 1839;"

"An act to relocate part of a State road therein named;"

"An act to re-survey a portion of the State road leading from Decatur to Danville;"

"An act in relation to Lusk creek;"

"An act to repeal an act incorporating the northern division of the American bottom;"

"An act fixing the time of holding the spring term of the Circuit Courts in the counties of Coles and Champaign, and authorizing an additional term of the Circuit Courts of Vermilion and Edgar;"

In the passage of which they ask the concurrence of the Senate.

They have concurred with the Senate in the passage of bills of the following titles, viz:

"An act to vacate the town Plat of Shepherdstown;"

"An act to amend an act to establish the county of Hardin, approved March 2, 1839;"

"An act to incorporate Shiloh College;"

"An act to change the name of the town of Columbus, in the county of Randolph;"

"An act authorizing an additional justice of the peace in the La Harpe district in Hancock county;"

"An act to authorize the county court of Lawrence county to build a bridge across the Embarrass river;"

"An act supplemental to an act authorizing the county commissioners to construct certain roads in Greene county."

They have also concurred with the Senate in the passage of a preamble and resolution, instructing our Senators and requesting our Representatives in Congress, to procure a donation of each alternate section on the different railroad routes in this State, &c. &c. They have also concurred with the Senate in the passage of a bill, entitled "An act to incorporate the Clinton Steam Mill Company;" and they have concurred with the Senate in the passage of bills of the following titles, viz:

"An act to amend an act to incorporate the Beet Sugar, Silk and Vegetable Oil Manufacturing Company, approved February 27, 1839;"

"An act to provide for holding an additional term of the Circuit Court in the county of Peoria;" as amended by them, in which amendment they ask the concurrence of the Senate. And he withdrew.

Mr. Hamlin, from the select committee, to which was referred the petition of Wm. L. May, also the petition of the trustees of the town of Peoria on the subject of a ferry across the Illinois river, reported a bill entitled "An act to establish a ferry across the Illinois river;" which was read, and

Ordered to a second reading.

Mr. Hacker moved the adoption of the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of repealing the law in relation to the election of probate justices of the peace by the people.

Mr. Gatewood moved to amend said resolution by adding the following, to wit:

"And that the same committee inquire into the expediency of making the county commissioners court a substitute for that tribunal;" which was not agreed to.

And the question recurring on the adoption of the resolution,

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Greer, Hacker, Hamlin, Harrison, Little, Mills, Mitchell, Moore, Monroe, Ross, Servant, Sergeant, Woodworth and Wood—23.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Hunter, Herndon, Johnston, Markley, Murray, Nunnally, O'Rear, Richardson, Stadden, Warren, Weatherford and Witt—16.

Mr. Warren moved the adoption of the following resolution, viz:

Resolved, That the committee on Finance be requested to inquire into the expediency of reducing the salaries of all the officers in this State, and report by bill or otherwise; which was read:

Mr. Richardson moved to amend by striking out the word "reducing" and insert "increase" in lieu thereof;

Mr. Hacker called for a division of the question,

And the question being first taken upon striking out,

It was decided in the affirmative.

And the question recurring on the motion to insert the word "increase,"

It was decided in the negative.

Mr. Witt moved to lay said resolution on the table; which was not agreed to.

Mr. Little moved to postpone said resolution indefinitely; which was not agreed to.

Mr. Witt moved to refer said resolution to the committee on the Judiciary.

Mr. Gatewood called for the previous question;

And on the question—Shall the main question be now put?

It was decided in the affirmative.

And on the question—Shall said resolution be adopted as amended?

It was decided in the affirmative.

Mr. Ross offered the following resolution, viz:

Resolved, That the Commissioners of the Illinois and Michigan Canal be and they are hereby required to report to the Senate the number of Engineers and Assistants now in the employment of this State, and the amount of their respective salaries; which was read and adopted

Mr. Herndon offered the following resolution, viz:

Resolved by the Senate, the House of Representatives concurring herein, That both Houses meet in the Hall of the House of Representatives on Wednesday the 8th inst., at two o'clock, P. M., for the purpose of electing a Treasurer of the Illinois and Michigan Canal Board; which was read, and,

On motion of Mr. Gatewood,

Laid on the table.

Mr. Witt moved the adoption of the following resolution, viz:

Resolved by the Senate, That the committee on Finance, be instructed to inquire into the expediency of so amending the revenue law so as to levy a tax on lands according to their quality; which was read,

And on the question—Shall said resolution be adopted?

It was decided in the negative.

Mr. Nunnally moved the adoption of the following resolution, viz:

Resolved by the Senate, That the committee on Finance be requested to inquire into the expediency of reporting a bill to repeal "An act to encourage the killing of wolves, approved February 15, 1837," and the act amendatory thereto, and said committee report by bill or otherwise; which was read,

And on the question—Shall said resolution be adopted?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Browning, Churchill, Davidson, Fithian, Fletcher, Gatewood, Hacker, Harrison, Moore, Monroe, Murray, Nunnally, O'Rear, Richardson, Servant, Sergeant, Stadden, Weatherford and Woodworth—20.

Those who voted in the negative, are,
Messrs. Borough, Bostick, Blackwell, Butler, Gaston, Gibbs, Greer,
Hamlin, Hunter, Herndon, Johnston, Little, Markley, Mills, Mitchell,
Ross, Warren, Witt and Wood—19.

On motion of Mr. Richardson,

The vote taken on Thursday last on refusing to order to a second reading a bill, entitled "An act to revive the charter of the late State Bank," was reconsidered, and said bill

Ordered to a second reading.

On motion,

The Senate adjourned.

MONDAY, JANUARY 6, 1840.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a communication from E. B. Webb, containing his report in pursuance of a resolution of the Senate as a Director of the Bank of Illinois, in relation to the suspension of specie payments by said Bank; which was read,

Mr. Servant moved to lay the same on the table, and that said report be printed for the use of the Senate.

Mr. Herndon called for a division of the question,

And on the question—Shall said report be laid on the table?

It was decided in the affirmative.

Mr. Warren presented the remonstrance of sundry citizens of Shelby and Coles counties against the relocation of a State road from Charleston to Andrew Wilson's, and,

On motion of Mr. Warren,

The reading of the same was dispensed with, and said remonstrance referred to the committee on Public Roads.

Mr. Warren presented the petition of sundry citizens of Shelby county, in relation to the alteration of a State Road from Charleston to Springfield, with an accompanying document; which were severally read, and,

Mr. Warren moved to refer the same to the committee on Public Roads;

Mr. Borough moved to amend the motion, so as to make it a motion to lay the same on the table; which was not agreed to;

And the question recurring on the motion to refer the same to the committee on Public Roads,

It was decided in the affirmative.

Mr. Harrison presented the petition of sundry citizens of Stephenson county, for a lease of water power, which was read, and,

On motion of Mr. Harrison,

Referred to the committee on Internal Improvements.

Mr. Hacker, from the committee on Finance, to which was referred a bill, entitled "An act to authorize Pope county to pay off public debt," reported the same back with an amendment; which was read, and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Ross, from the committee on Public Accounts and Expenditures, to which was referred a resolution upon the subject of the State House, reported a bill, entitled "An act to amend an act supplemental to 'An act to permanently locate the seat of Government of Illinois,' approved March 3, 1837;" which was read, and

Ordered to a second reading.

Mr. Stadden, from the committee on Canals and Canal Lands, to which was referred a bill, entitled "An act to amend an act to incorporate the La Salle Charity Hospital," approved February 23, 1839," reported the same back without amendment, and recommended the passage of said bill.

Ordered to be engrossed, and read a third time.

Mr. Servant offered the following preamble and resolution, viz:

Whereas, The highest interests of the People of the State of Illinois require that the advantages of elementary education should be extended if possible to every child in the State; *And whereas*, the common schools may be made far more extensively useful than they are at present; *And whereas*, several of our sister States have thought the appointment of a Board of Education or a superintendant of common schools, to be the best means of improving the same:

Therefore,

Resolved, That the committee on Education, be instructed to inquire into the expediency of creating such a board or superintendant, and report by bill or otherwise; which was read and adopted.

Mr. Herndon moved the adoption of the following resolution, viz:

Resolved, That the Governor be requested to inform the Senate whether a vacancy exists in the office of Treasurer of the Canal Commissioners; which was read, and,

On motion of Mr. Gatewood,

Laid on the table.

Mr. Herndon asked and obtained leave to introduce a bill, entitled "An act to incorporate the city of Springfield;" which was read, and

Ordered to a second reading.

On motion of Mr. Weatherford,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Witt asked and obtained leave to introduce a bill, entitled "An act for the appointment of an additional notary public in the town of Grafton, in Jersey county;" which was read, and

Ordered to a second reading.

Mr. Woodworth asked and obtained leave to introduce a bill, entitled "An act to amend an act, entitled 'An act to provide for the dedication of lots in towns situated on Canal lands to public purposes,' approved Feb. 28, 1839;" which was read, and

Ordered to a second reading.

Mr. Hamlin asked and obtained leave to introduce a bill, entitled "An act for the benefit of Stark county," which was read, and

Ordered to a second reading.

Mr. Harrison asked and obtained leave to introduce a bill, entitled "An

act to authorize H. H. Gear to keep a ferry across the Mississippi river;" which was read, and

Ordered to a second reading.

Mr. Borough asked and obtained leave to introduce a bill, entitled "An act to repeal an act to define the manner of proceeding in petitioning the General Assembly for locating or altering State roads, approved February 27, 1839;" which was read, and

Ordered to a second reading.

Mr. Mills asked and obtained leave to introduce a bill, entitled "An act to incorporate the Illinois Legion;" which was read, and

Ordered to a second reading.

Mr. Browning asked and obtained leave to introduce a bill, entitled "An act to repeal the law establishing the Board of Fund Commissioners, and to re-organize the Board of Commissioners of Public Works;" which was read, and

Ordered to a second reading.

On motion of Mr. Little,

The order of business was suspended;

Whereupon,

Mr. Little moved to take up a bill, entitled "An act to limit the duration of the office of Clerks of the Circuit Courts; which was agreed to; And on the question—Shall said bill be engrossed and read a third time?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough Bostick. Browning, Butler, Churchill, Fithian, Gatewood, Greer, Hacker, Hamlin, Harrison, Little, Markley, Moore, Murray, Parrish, Ross, Sergeant, Warren and Weatherford—21.

Those who voted in the negative, are,

Messrs. Davidson, Gaston, Gibbs, Herndon, Johnston, Mills, Mitchell, Monroe, Nunnally, O'Rear, Richardson, Servant, Stadden, Witt, Woodworth and Wood—16.

On motion of Mr. Richardson,

The order of business was further suspended;

Whereupon,

Mr. Richardson moved to take up a bill in the message of the House of Representatives, entitled "An act to authorize and require the school commissioners of Sangamon county to pay over certain school funds to the school commissioners of Menard, Logan and Dane counties;" which was agreed to;

And said bill was read, and

Ordered to a second reading.

Mr. Richardson moved that the rule of the Senate be dispensed with, and said bill be now read a second time by its title; which was not agreed to.

On motion of Mr. Nunnally,

The order of business was further suspended;

Whereupon,

On motion of Mr. Nunnally,

The bill contained in the message from the House of Representatives, entitled "An act fixing the times of holding the spring terms of the Cir-

cuit Courts in the counties of Coles and Champaign, and authorizing an additional term of the Circuit Courts of Vermilion and Edgar," was taken up; said bill read the first time, and

Ordered to a second reading.

On motion,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Monroe, from the committee on Enrolled Bills, reported as correctly enrolled,

"An act to authorize the county court of Lawrence county to build a bridge across the Embarrass river;"

"An act to incorporate the Shiloh College;"

"An act supplementary to an act to authorize the county commissioners to construct certain roads in Greene county;"

"An act to amend an act to establish the county of Hardin, approved March 2, 1839;"

"An act to vacate the town plat of Shepherdstown;"

"An act to change the name of the town of Columbus in the county of Randolph;"

"An act authorizing an additional justice of the peace in La Harpe district in Hancock county;"

"An act to incorporate the Clinton Steam Mill Company."

Mr. Monroe, from the same committee, reported that they had this day laid the aforesaid bills before the Council of Revision.

On motion of Mr. Ross,

The bill entitled "An act to repeal the law establishing the Board of Fund Commissioners, and to re-organize the Board of Commissioners of Public Works;" was taken up, said bill read a second time by its title, and referred to the same committee of the Whole Senate to which was referred sundry bills and resolutions in relation to the system of Internal Improvements.

On motion of Mr. Davidson,

The Senate again resolved itself into the committee of the Whole, for the purpose of taking into consideration sundry bills and resolutions in relation to the system of Internal Improvements;

Mr. Harrison in the chair, and after some time spent therein,

Mr. Speaker resumed the chair; Mr. Harrison reported, that the committee of the Whole, had, according to order, had said bills and resolutions under consideration, made some progress therein, and directed him to ask leave to sit again;

And on the question—Shall leave be granted?

It was decided in the affirmative.

On motion,

The Senate adjourned.

TUESDAY, JANUARY 7, 1840.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a communication from W. F. Thornton, Esq., President of the Board of Canal Commissioners, containing his report in pursuance of a resolution of the Senate in relation to the number of Engineers and Agents employed upon the Canal their pay, &c; which was read, and,

On motion of Mr. Witt,

Laid on the table.

Mr. Speaker laid before the Senate a communication from the Board of Public Works, containing a tabular statement in pursuance of a resolution of the Senate in relation to the pay of Engineers and Agents in the employ of the State on the different public works and also their pay, &c.; which was read, and,

On motion of Mr. Servant,

Laid on the table.

Mr. Davidson, from the committee on the Judiciary, to which was referred a resolution from the House of Representatives, in relation to the appointment of three competent persons to revise all laws of a general nature, and that they report the same to the next General Assembly, reported the same back without amendment and recommended the adoption of said resolution;

Mr. Gatewood moved to amend said resolution by adding the following, viz:

"And also to collect all the Territorial statutes of a general nature, and finally to append to the said collection a list by their titles and dates of the enactment of all laws of a general nature which might bear upon the right of parties under them, and which have been repealed, with the date of such repeal;" which was decided in the affirmative.

And on the question—Will the Senate concur with the House of Representatives in the adoption of said resolution as amended by them?

It was decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendment thereto.

Mr. Hamlin asked and obtained leave to introduce a bill, entitled "An act to amend an act to incorporate the Peoria Commercial Insurance Company, approved February 18, 1837;" which was read, and

Ordered to a second reading.

Mr. Harrison asked and obtained leave to introduce a bill, entitled "An act to authorize Granville H. Mathews to keep a ferry across the Meredosia;" which was read, and

Ordered to a second reading.

The engrossed bills, entitled

"An act to authorize certain persons therein named to keep a ferry;"

"An act to amend an act, entitled 'An act to incorporate the Rock Island Mutual Fire Insurance Company;'"

"An act to amend an act concerning attachments, approved February 12, 1835;"

"An act to attach the county of Lee to the Sixth Judicial district;"

"An act to legalize the assessment of taxes in the county of De Kalb for the year 1839;"

"An act to amend an act to incorporate the La Salle Charity Hospital, approved February 23, 1839;" and

"An act to authorize Pope county to pay off public debt."

Were severally read a third time, and passed.

Ordered, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bills.

The engrossed bill, entitled "An act to limit the duration of the office of Clerks of the Circuit Courts," was taken up, and,

On motion of Mr. Servant,

Laid on the table.

The bill, entitled "An act to incorporate the Illinois Legion;" was read a second time, and,

On motion of Mr. Davidson,

Referred to the committee on Military Affairs.

The bill, entitled "An act to repeal an act to define the manner of proceeding in petitioning the General Assembly for locating or altering State roads, approved February 27, 1839;" was read a second time, and,

On motion of Mr. Richardson,

Referred to the committee on Public Roads.

The bill, entitled "An act to authorize H. H. Gear to keep a ferry across the Mississippi river," was read a second time;

Mr. Little moved to amend said bill by striking out the word "exclusive;" which was agreed to.

Ordered, That said bill be engrossed, as amended, and read a third time.

The bill, entitled "An act for the benefit of Stark county," was read the second time, and,

On motion of Mr. Hamlin,

Referred to the committee on Internal Improvements.

The bill, entitled "An act to amend an act, entitled 'An act to provide for the dedication of lots in towns situated on Canal lands, to public purposes,' approved February 28, 1839," was read a second time, and,

On motion of Mr. Woodworth,

Referred to the Committee on Canals and Canal Lands.

The bill, entitled "An act for the appointment of an additional notary Public in the town of Grafton in Jersey county," was read a second time;

Mr. Ross moved to amend said bill by inserting after the words "Jersey county," the following:

"And Pittsfield in Pike county, and Charleston in Coles county;" which was agreed to.

Ordered, That said bill be engrossed, as amended, and read a third time.

The bill, entitled "An act to establish a ferry across the Illinois river," was read the second time, and

Ordered to be engrossed and read a third time.

The bill, entitled "An act to amend the several laws in relation to practice in courts of law and chancery," was read a second time, and,

On motion of Mr. Richardson,

Referred to the committee on the Judiciary.

The bill, entitled "An act to amend an act supplemental to 'An act to permanently locate the seat of Government of Illinois,' approved March 3, 1837;" which was read, and,

On motion of Mr. Herndon,

Laid on the table.

On motion of Mr. Richardson,

The order of business was suspended;

Whereupon,

On motion of Mr. Richardson,

The bill from the House of Representatives, entitled "An act to authorize and require the school commissioner of Sangamon county to pay over certain school funds to the school commissioners of Menard, Logan and Dane counties," was taken up from the orders of the day, and read a second time, and,

On motion of Mr. Richardson,

Referred to the committee on Elections.

On motion,

The Senate adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Witt,

The Senate again resolved itself into the committee of the Whole, for the purpose of taking into consideration the several bills and resolutions in relation to the Internal Improvements.

Mr. Harrison in the chair, and after some time spent therein;

Mr. Speaker resumed the Chair, and Mr. Harrison reported that the committee of the Whole had had, according to order, sundry bills and resolutions in relation to the system of Internal Improvements, under consideration, made some progress therein and had directed him to ask leave to sit again;

And on the question—Shall leave be given?

It was decided in the affirmative.

On motion,

The Senate adjourned until Thursday next.

THURSDAY, JANUARY 9, 1840.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate the report of Robert Allen and others, Directors, on the part of the State, of the State Bank of Illinois, in relation to the suspension of specie payments by said Bank; which was read, and,

Mr. Davidson moved to lay the same on the table;

Mr. Browning moved to amend the motion, so as to make it a motion to lay on the table and that the same be printed for the use of the Senate.

Mr. Witt called for a division of the question;

And on the question—Shall said report be laid on the table?

It was decided in the negative.

And the question recurring on the motion to lay the said report on the table, and that the same be printed for the use of the Senate;

It was decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Gatewood,

The rule of the Senate was dispensed with, and,

On motion of Mr. Gatewood,

The report of E. B. Webb, a State Director of the Bank of Illinois, in relation to the suspension of specie payments, was taken up, and

Ordered to be printed for the use of the Senate.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Woodworth presented the petition of Isaial M. Treat, praying for the passage of an act to vacate the town of Buffalo, in Will county, and,

On motion of Mr. Woodworth,

The reading of the same was dispensed with, and referred to the committee on Petitions.

Mr. Little presented the petition of sundry citizens of Hancock county, praying for the alteration of a State road therein named, and,

On motion of Mr. Little,

The reading of the same was dispensed with, and said petition referred to the committee on Public Roads.

Mr. Borough, from the committee on Public Roads to which was referred the bill, entitled "An act to repeal an act to define the manner of petitioning the General Assembly for locating or altering State roads, approved February 27, 1839," reported the same back without amendment and recommend the rejection of said bill.

Mr. Little moved to postpone indefinitely the further consideration of said bill;

Which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Gaston, Gatewood, Gibbs, Greer, Hacker, Hamlin, Harrison, Herndon, Little, Markley, Mills, Moore, Monroe, Murray, Nunnally, O'Rear, Servant, Sergeant, Stadden, Weatherford, Witt and Woodworth—30.

Those who voted in the negative, are,

Messrs. Borough, Hunter, Johnston, Mitchell, Parrish, Richardson, Ross, Warren and Wood—9.

Mr. Little from the committee on the Judiciary, to which was referred a resolution in relation to the practice of law before justices of the peace, reported the same back, and asked to be discharged from a further consideration of the subject; which was agreed to, and,

On motion of Mr. Little,

Said resolution was laid on the table.

Mr. Richardson from the Committee on Elections, to which was referred a bill from the House of Representatives, entitled "An act to authorize and require the school commissioners of Sangamon county to pay over certain school funds to the school Commissioners of Menard, Logan and Dane counties, reported the same back with an amendment, which was read and concurred in.

Ordered to a third reading as amended.

Mr. Servant, from the committee on Military Affairs, to which was referred a bill, entitled "An act to incorporate the Illinois Legion," reported the same back without amendment.

Ordered to be engrossed, and read a third time.

Mr. Weatherford offered the following resolution, viz:

Resolved by the Senate, That the State House Commissioners be requested to furnish the Senate with a detailed account of their receipts and expenditures of the public monies in relation to the State House; which was read and adopted.

Mr. Nunnally offered the following resolution, viz:

Resolved by the Senate, That the committee on Canals and Canal Lands, be requested to inquire into the expediency of curtailing the number of officers connected with the Illinois and Michigan Canal and of reducing their salaries, and said committee have leave to report by bill or otherwise; which was read and adopted.

Mr. Gibbs asked and obtained leave to introduce a bill, entitled "An act legalizing the assessment of property in the county of Pope in the year 1839, and authorizing the county of Johnson to assess the property therein for the same year;" which was read, and

Ordered to a second reading.

A message from the Council of Revision, by H. G. Hubbard Esq., their Secretary:

Mr. Speaker: The Council of Revision have directed me to return to the Senate the following acts, all of which have been revised and approved, viz:

"An act making partial appropriations;"

"An act to incorporate Shiloh College;"

"An act to change the name of the town of Columbus, in the county of Randolph;"

"An act to authorize the county court of Lawrence county to build a bridge across the Embarrass river;"

"An act to amend an act to establish the county of Hardin, approved March 2, 1839;"

"An act supplemental to an act to authorize the county commissioners to construct certain roads in Greene county;"

"An act to vacate the town plat of Shepherds' own;"

"An act to incorporate the Clinton Steam Mill Company;"

"An act authorizing an additional justice of the peace in La Harpe district, Hancock county." And he withdrew.

Mr. Harrison asked and obtained leave to introduce a bill, entitled "An act fixing the times of holding courts in the Sixth Judicial Circuit;" which was read, and

Ordered to a second reading.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to be engrossed, and read a third time.

Mr. Hamlin asked and obtained leave to introduce a bill, entitled "An act to vacate the town plats of the towns therein named;" which was read, and

Ordered to a second reading.

Mr. Monroe asked and obtained leave to introduce a bill, entitled "An act in relation to the Charleston Seminary;" which was read, and

Ordered to a second reading.

On motion of Mr. Churchill,

The rule of the Senate was dispensed with, said bill read a second time, by its title, and referred to the committee on School Lands and Education.

Mr. Servant moved to take up a bill some days since laid on the table, entitled "An act to limit the duration of the office of Clerks of the Circuit Courts;"

Which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Butler, Churchill, Davidson, Fithian, Gatewood, Greer, Hacker, Ham'in, Hunter, Little, Markley, Mills, Mitchell, Moore, Murray, Parrish, Ross, Servant, Sergeant, Warren, Weatherford and Witt—26.

Those who voted in the negative, are,

Messrs. Browning, Gaston, Harrison, Herndon, Johnston, Monroe, Nunnally, O'Rear, Richardson, Stadden, Woodworth and Wood—12.

Mr. Herndon moved to amend said bill, by adding the following as an additional section, viz:

"SEC. *Provided however*, that no Judge shall have power to remove any of the present Clerks except upon the petition of a majority of the people of the county in which any clerk may reside;"

Which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Davidson, Fithian, Hunter, Herndon, Johnston, Mills, Mitchell, Monroe, O'Rear, Richardson, Servant, Stadden, Woodworth and Wood—14.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Gaston, Greer, Hacker, Hamlin, Harrison, Little, Moore, Murray, Nunnally, Parrish, Ross, Sergeant, Warren, Weatherford and Witt—22.

On motion,

The Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Gatewood,
The order of business was suspended;
Whereupon,

On motion of Mr. Gatewood,

The Senate again resolved itself into a committee of the Whole, for the purpose of taking into consideration sundry bills and resolutions in relation to the system of Internal Improvements.

Mr. Harrison in the Chair, and after some time spent therein;

Mr. Speaker resumed the Chair, and Mr. Harrison reported that the committee of the whole Senate had had, according to order, said bills and resolutions under consideration, made some progress therein, and directed him to ask leave to sit again; which was granted.

On motion,
The Senate adjourned.

FRIDAY, JANUARY 10, 1840.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a communication from J. B. Thomas, Commissioner of the Board of Public Works for the 1st Judicial Circuit, containing his report, with accompanying documents, in relation to the different proposed routes of the Northern Cross railroad, lying between Joseph Duncan's residence and the Mauvisterre bridge; which were severally read, and,

On motion of Mr. Weatherford,
Referred to the committee on Internal Improvements.

Mr. Blackwell presented the petition of sundry citizens of Fayette county praying for a change of a State road therein named, and,

On motion of Mr. Blackwell,

The reading of the same was dispensed with, and referred to the committee on Public Roads.

Mr. Mitchell presented the petition of Peter Engle and others, praying a re-location of so much of the State road from Peoria to Ottawa, as lies between John Sunderland's and Peter Engle's; which was read;

Mr. Mitchell moved to refer said petition to the committee on Public Roads.

Mr. Borough moved to amend the motion so as to make it a motion to lay the same on the table; which was decided in the affirmative.

Mr. Sergeant presented the petition of sundry citizens of Morgan county, praying to be attached to Cass county; which was read, and,

On motion of Mr. Sergeant,
Referred to the committee on Petitions.

Mr. Davidson, from the committee on the Judiciary, to which was re-

ferred a bill, entitled "An act to amend an act to prevent trespassing by cutting timber, approved February 27, 1819," reported the same back without amendment.

Ordered to be engrossed, and read a third time.

Mr. Borough from the committee on Public Roads, to which was referred a bill, entitled "An act to locate a State road therein named," reported the same back without amendment.

Ordered to be engrossed and read a third time.

Mr. Weatherford, from the committee on Military Affairs, to which was referred a bill, entitled "An act providing for the election of a Public Binder, and defining his duty," reported the same back with an amendment;

On motion of Mr. Hacker,

Said bill and proposed amendment were laid upon the table.

Mr. Borough, from the committee on Public Roads, to which was referred a bill from the House of Representatives, entitled "An act to relocate part of a State road in Johnson county," reported the same back without amendment, and recommended the rejection of said bill;

On motion of Mr. Gibbs,

Said bill was laid on the table.

Mr. Borough, from the committee on Public Roads, to which was referred a bill from the House of Representatives, entitled "An act to alter the State road leading from Vincennes to Palestine," reported the same back without amendment and recommended the rejection of said bill;

Mr. Greer moved to lay the same on the table; which was agreed to.

Mr. Stadden offered the following resolution, viz:

Resolved by the Senate, That the Commissioners of the Illinois and Michigan Canal be requested to inform the Senate of the number of officers and persons employed by the State at the Canal office at Lockport, with their respective salaries and per diem pay; which was read and adopted.

Mr. Wood offered the following resolution, viz:

Resolved, That the Board of Public Works be requested to report to the Senate, whether they have reserved the right to abandon contracts when the Board shall consider that the interests of the State require such abandonments; if so, state the case in which such reserve has been made; which was read and adopted.

Mr. Hacker offered the following resolution, viz:

Resolved, That the committee on Canals and Canal Lands, be instructed to inquire into the expediency or in expediency of making an appropriation, out of the Canal fund, to Justice Post, for his services as Engineer on the Illinois and Michigan Canal, and that they have leave to report by bill; which was read and adopted.

Mr. Browning offered the following resolution, viz:

Resolved, That the Fund Commissioners be required to lay before the Senate a copy of the conditional contract made by them, with Messrs. Wright & Co., of London, in August last for the sale or hypothecation of State Bonds; which was read and adopted.

Mr. Witt asked and obtained leave to introduce a bill, entitled "An act in relation to certain roads in Greene county;" which was read, and

Ordered to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to be engrossed and read a third time.

Mr. Harrison asked and obtained leave to introduce a bill, entitled "An act to authorize Shelton L. Hall and others to establish a ferry across Rock River;" which was read, and

Ordered to a second reading.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

The orders of the day being taken up, and the question recurring on the passage of a bill, entitled "An act to limit the duration of the office of Clerks of the Circuit Courts;" which was pending at the time of adjournment some days since;

Mr. Witt moved to amend said bill by adding the following as a proviso:

Provided, It shall be lawful, and it is hereby made the duty of each of the Circuit Judges in this State, upon the presentation of petition to that effect, signed by a majority of the legal voters of any county in this State, to remove from office the Clerk of the Circuit Court of such county, and appoint in his place such other suitable person as he shall deem proper, whose term of service shall expire at the time herein provided for, and who shall qualify in the same manner and discharge the same duties that are enjoined upon other Clerks of the Circuit Courts; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Bostick, Fletcher, Gaston, Gibbs, Hunter, Herndon, Johnston, Markley, Mills, Richardson, Stadden, Weatherford and Witt—13.

Those who voted in the negative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hacker, Hamlin, Harrison, Little, Mitchell, Moore, Murray, Nunnally, O'Rear, Parrish, Ross, Servant, Sergeant, and Warren—23.

And,

On the question—Shall said bill be passed?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Gibbs, Greer, Hacker, Hamlin, Hunter, Harrison, Little, Markley, Mills, Moore, Murray, Parrish, Richardson, Ross, Sergeant, Warren, Weatherford and Witt—27.

Those who voted in the negative, are,

Messrs. Fletcher, Gaston, Herndon, Johnston, Mitchell, Nunnally, O'Rear, Servant, and Stadden—9.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

A message from the House of Representatives, by I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate that they have ordered the printing of 150 copies of

the report of the Commissioners of the Illinois and Michigan Canal with accompanying documents and correspondence, for the use of the two branches of the General Assembly. And he withdrew.

On motion of Mr. Stadden,

The communication from W. F. Thornton, President of the Board of Canal Commissioners, containing a tabular statement of the names and pay of the Engineers of the Illinois and Michigan Canal, was taken up, and,

On motion of Mr. Stadden,

Referred to the committee on Canals and Canal Lands.

Mr. Richardson moved that the Senate adjourn; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Davidson, Gibbs, Hacker, Herndon, Johnston, Mills, Mitchell, Parrish, Richardson, Servant and Stadden—11.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Fithian, Fletcher, Gaston, Greer, Hamlin, Hunter, Harrison, Little, Markley, Moore, Murray, Nunnally, O'Rear, Ross, Sergeant, Warren, Weatherford and Witt—25.

Mr. Ross moved that the Senate adjourn until two o'clock; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Fithian, Greer, Harrison, Little, Moore, Murray, O'Rear, Ross, Sergeant, Weatherford and Witt—18.

Those who voted in the negative, are,

Messrs. Davidson, Fletcher, Gaston, Gibbs, Hacker, Hamlin, Hunter, Herndon, Johnston, Markley, Mills, Mitchell, Nunnally, Parrish, Richardson, Servant, Stadden, Warren, and there being a tie, Mr. Speaker—19.

The engrossed bill, entitled "An act to authorize H. H. Gear to keep a ferry across the Mississippi river;" was read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

Mr. Hacker moved that the Senate adjourn; which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Bostick, Davidson, Fithian, Gibbs, Greer, Hacker, Hunter, Herndon, Johnston, Little, Mills, Mitchell, Nunnally, Parrish, Richardson, Servant, Sergeant and Stadden—18.

Those who voted in the negative, are,

Messrs. Allen, Borough, Browning, Butler, Churchill, Fletcher, Harison, Markley, Moore, Murray, O'Rear, Ross, Warren, Weatherford and Witt—15.

SATURDAY, JANUARY 11, 1840.

Senate met pursuant to adjournment.

On motion of Mr. Davidson,
The order of business was suspended;
Whereupon,

On motion of Mr. Davidson,
The Senate again resolved itself into a committee of the Whole, for the purpose of taking into consideration sundry bills and resolutions in relation to the system of Internal Improvements;

Mr. Harrison in the chair, and after some time spent therein,

Mr. Speaker resumed the chair; and Mr. Harrison reported, that the committee had, according to order, had under consideration the several bills and resolutions in relation to the system of Internal Improvements, and have made some progress therein, and ask leave to sit again; which was agreed to.

A message from the House of Representatives, by Mr. I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of bills of the following titles, viz:

"An act to legalize the assessment of taxes in the county of De Kalb, for the year 1839;"

"An act to attach the county of Lee to the Sixth Judicial Circuit;"

"An act to authorize Allen P. Hubbard to build a mill dam across Fox river;"

"An act declaring Fox river navigable;"

"An act to change the name of the town of Worcester, in Pike county, to that of Barry;"

"An act to authorize Henry W. Cleaveland to build a toll bridge across the Winnebago Swamp, approved February 19, 1839;"

"An act for the incorporation of the Fayette Steam Mill Company;"

"An act to vacate the plat of the town of Cottage Grove in the county of Cook."

They have passed bills of the following titles, viz:

"An act to compensate certain witnesses;"

"An act to authorize the commissioners of the Illinois and Michigan Canal to sell certain lands;"

"An act to extend the time for the location of State roads;"

"An act to incorporate the Kishwaukee Bridge Company at Kishwaukee."

They have also concurred with the Senate in their amendment to a resolution of the House, providing for the election of three competent persons well skilled in the laws to revise and condense all laws of a general nature in this State, &c. And he withdrew.

Mr. Servant asked and obtained leave to introduce a bill, entitled "An

act requiring school commissioners to distribute a school fund at the county seats;" which was read, and

Ordered to a second reading.

On motion of Mr. Servant,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on School Lands and Education.

Mr. Witt moved to suspend the order of business; which was agreed to;

Whereupon,

On motion of Mr. Witt,

The bill contained in the message from the House of Representatives, entitled "An act to compensate certain witnesses," was taken up and read,

Ordered to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, said bill read a second time and,

Ordered to a third reading.

On motion of Mr. Stadden,

The rule of the Senate was further dispensed with, said bill read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act to incorporate the city of Springfield," reported the same back without amendment;

On motion of Mr. Fletcher,

Laid on the table.

Mr. Herndon, from the committee on Internal Navigation, to which was referred the petition of the citizens of six mile township, to incorporate the Madison county ferry company, reported a bill, entitled "An act to incorporate the Madison county Ferry Company;" which was read, and

Ordered to a second reading.

Mr. Gatewood, from the committee on School Lands and Education, to which was referred a resolution in relation to the expediency of creating the office of superintendant of common schools, reported a bill, entitled "An act to provide for the election of superintendant of common schools throughout the State of Illinois;" which was read, and

Ordered to a second reading.

Mr. Borough, from the committee on Public Roads to which was referred the petition of sundry citizens of Hancock county, praying for the alteration of a State road therein named, reported a bill, entitled "An act to vacate and relocate a part of the State road leading from Rushville to Commerce;" which was read, and

Ordered to a second reading.

Mr. Little, from the committee on the Judiciary, to which was referred a resolution in relation to the Secretary of State, reported a bill en-

titled "An act to limit the duration of the office of Secretary of State;" which was read, and

Ordered to a second reading.

On motion of Mr. Witt,

The order of business was suspended;

Whereupon,

Mr. Witt moved the adoption of the following resolution, viz:

Resolved by the Senate, the House of Representatives concurring herein, That after the fifteenth day of the present month there shall be no new business received in either House, and that each House will adjourn sine die on the first day of February, 1840; which was read, and,

On motion of Mr. Davidson,

Laid on the table.

On motion of Mr. Mitchell,

The resolution, some days since laid on the table, in relation to the appointment of an additional Assistant Secretary, was taken up, read and adopted.

On motion,

The Senate adjourned.

MONDAY, JANUARY 13, 1840.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a communication from the Commissioners of the State House, containing their report in relation to the work done upon the State House in pursuance of a resolution of the Senate; which was read, and,

On motion of Mr. Witt,

Laid on the table.

Mr. Speaker laid before the Senate a communication from the Board of Public Works, containing their report in relation to the number of miles of the Northern Cross railroad which is completed between Jacksonville and Meredosia, and the aggregate cost thereof including the cost of location, locomotives, engines, cars, depots, engine-houses, turning-tables, water stations, turn-outs, iron, switches, damages for right of way, &c.; which was read, and,

On motion of Mr. Ross,

Laid on the table.

Mr. Speaker laid before the Senate a communication, together with accompanying documents, from the Commissioners of Public Works, in pursuance of a resolution of the Senate of the 30th December, 1839, asking from the several Commissioners of the Board of Public Works, a statement of the amount due to Contractors, &c.; which was read, and,

On motion of Mr. Witt,

Laid on the table, and ordered to be printed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Richardson presented the petition of S. H. B. Clarkson and others, citizens of Brown county, praying that said Clarkson be authorized to dispose of certain real estate in the counties of Brown and Schuyler by lottery, and ten per cent. of the proceeds thereof applied to purposes of education.

On motion of Mr. Richardson,

The reading of the same was dispensed with, and referred to the committee on the Judiciary.

Mr. Borough, from the committee on Public Roads, to which was referred the petition of sundry citizens of Fayette county, praying for the change of a State road therein named, reported a bill, entitled "An act to alter a certain State road in Fayette county;" which was read, and

Ordered to a second reading.

On motion of Mr. Blackwell,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and

Ordered to be engrossed for a third reading.

Mr. Monroe, from the committee on Enrolled Bills, reported as correctly enrolled,

"An act to change the name of the town of Worcester, in Pike county to that of Barry;"

"An act to declare Fox river navigable;"

"An act to legalize the assessment of taxes in the county of De Kalb for the year 1839;"

"An act to attach the county of Lee to the Sixth Judicial circuit;"

"An act to vacate the plat of the town of Cottage Grove in the county of Cook;"

"An act to authorize Allen P. Hubbard to build a mill dam across Fox river;"

"An act to amend an act to authorize Henry W. Cleveland to build a toll bridge across the Winnebago swamp, approved February 19, 1839."

And that they have this day laid the same before the Council of Revision.

Mr. Hacker, from the committee on Internal Improvements, reported a bill, entitled "An act amendatory to the act to establish and maintain a system of Internal Improvements, and to the several acts amendatory and supplemental thereto;" which was read, and

Ordered to a second reading.

On motion of Mr. Hacker,

The rule of the Senate was dispensed with, and the said bill read a second time by its title,

Laid on the table and ordered to be printed.

Mr. Hacker, from the committee on Finance, to which was referred a resolution, requesting said committee to inquire into the expediency of reducing the salaries of the officers of the State of Illinois, reported the same back, and asked to be discharged from the further consideration of the subject; which was agreed to, and,

On motion of Mr. Churchill,

The same was laid on the table.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have concurred with them, in the passage of bills of the following titles, viz:

"An act to amend an act, entitled 'An act to amend the several acts in relation to common schools,' approved March 4, 1837;"

"An act to revive and continue in force an act, entitled 'An act to locate a certain State road therein mentioned,' approved February 27, 1839;"

"An act to amend an act to incorporate the Knox Manual Labor College;"

"An act to incorporate the Rock Island University;"

"An act to authorize certain persons therein named to keep a ferry;"

"An act to authorize the county of Jo Daviess to borrow money;"

"An act to amend an act, entitled 'An act to incorporate the Rock Island Mutual Fire Insurance Company;"

I am directed further to inform the Senate that the House of Representatives have passed bills of the following titles, to wit:

"An act to amend an act for the relief of the poor, approved Feb. 21, 1839;"

"An act for the benefit of Louisa Jones."

In the passage of which they ask the concurrence of the Senate.

They have also concurred with the Senate in the passage of a bill, entitled "An act to authorize H. H. Geer to keep a ferry across the Mississippi river." And he withdrew.

Mr. Browning, from the committee on School Lands and Education to which was referred a bill for "An act requiring school commissioners to distribute the school fund at the county seats," reported the same back without amendment.

Ordered to be engrossed, and read a third time.

Mr. Hacker, from the committee on Finance to which was referred a resolution in relation to the expediency of repealing "An act in relation to the killing of wolves," reported the same back and asked to be discharged from a further consideration of the subject; which was agreed to.

On motion,

Laid on the table.

Mr. Hacker, from the committee on Finance, to which was referred a resolution in relation to so amending the revenue law, as to authorize the collector of taxes to publish the list of lands owned by delinquent land holders in the nearest newspaper having the most extensive circulation in the county in which such lands are situated, reported the same back, and asked to be discharged from the further consideration of the subject which was agreed to.

On motion of Mr. Churchill,

Laid on the table.

Mr. Wood, from the committee on petitions, to which was referred the petition of sundry citizens of De Kalb county, praying the passage of a law for the construction of certain bridges in said county reported the

same back, and asked to be discharged from the further consideration of said petition: which was agreed to.

On motion,

The same was laid on the table.

Mr. Little, from the committee on the Judiciary to which was referred a bill for "An act to amend an act for the probate of wills in certain cases in force March 2, 1839," reported the same back with sundry amendments thereto, which were read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr Witt moved to suspend the order of business; which was not agreed to.

Mr. Markley offered the following resolution, viz:

Resolved, That the committee on the Judiciary be requested to inquire into the expediency of so amending the law, that when any person or persons enter complaint against a tavern keeper and cause suit to be commenced against him or them for keeping a disorderly house, in case the complaint is not sustained, the complainant or complainants shall pay all costs which may accrue in consequence of said suit, and that they be requested to report by bill; which was read and adopted.

Mr. Gaston offered the following resolution, viz:

Resolved, That within the recollection of this Senate, that William Gaston, (a member of this floor,) did not vote on both sides of a question, as is represented in the Senate Journal, secret session, page 3, and dated January 10, A. D. 1839. which was read and adopted.

Mr. Witt offered the following resolution, viz:

Resolved, That the committee on the Judiciary, be instructed to inquire into the expediency of so amending the law in relation to "*casas*" so as to allow persons making schedules to retain such property as is exempt from execution by law; which was read and adopted.

Mr. Davidson asked and obtained leave to introduce a bill, entitled "An act to change the name of the town of Victoria, in the county of White, to that of Philipstown;" which was read, and

Ordered to a second reading.

On motion of Mr. Davidson,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

Ordered to be engrossed and read a third time.

Mr. Hamlin asked and obtained leave to introduce a bill, entitled "An act to authorize the trustees of schools in township eight north, range five east, to refund certain money;" which was read, and

Ordered to a second reading.

On motion of Mr. Hamlin,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

Ordered to be engrossed and read a third time.

Mr. Gaston asked and obtained leave to introduce a bill, entitled "An act to amend an act authorizing Samuel Withers to build a toll bridge across the Skillett Fork of the Little Wabash river; which was read, and

Ordered to a second reading.

On motion of Mr. Gaston,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

Ordered to be engrossed, and read a third time.

Mr. Richardson asked and obtained leave to introduce a bill, entitled "An act supplemental to an act, entitled 'An act to incorporate the Quincy House Company,' approved March 2, 1839;" which was read, and

Ordered to a second reading.

On motion of Mr. Richardson,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Parrish asked and obtained leave to introduce a bill, entitled "An act in relation to the county of Williamson;" which was read, and

Ordered to a second reading.

On motion of Mr. Parrish,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. O'Rear asked and obtained leave to introduce a bill, entitled "An act to establish insurance offices in Morgan, Pike and Scott counties;" which was read, and,

Ordered to a second reading.

On motion of Mr. Ross,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Greer asked and obtained leave to introduce a bill, entitled "An act to amend an act, entitled 'An act regulating tavern and grocery license,' approved March 2, 1839;" which was read, and

Ordered to a second reading.

Mr. Browning asked and obtained leave to introduce a bill, for "An act to amend the acts concerning practice;" which was read, and

Ordered to a second reading.

On motion of Mr. Browning,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Woodworth asked and obtained leave to introduce a bill, for "An act in relation to Gale's statutes;" which was read, and

Ordered to a second reading.

On motion of Mr. Woodworth,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Herndon asked and obtained leave to introduce a bill for "An act to prevent trespassing by cutting timber;" which was read, and

Ordered to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

On motion,

The Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Hacker,

The Senate again resolved itself into a committee of the Whole, for the purpose of taking into consideration sundry bills and resolutions in relation to the system of Internal Improvements.

Mr. Harrison in the chair, and after some time spent therein;

Mr. Speaker resumed the Chair, and Mr. Harrison reported that the committee of the Whole Senate had, according to order, had under consideration the various bills and resolutions in relation to the system of Internal Improvements, have made some progress therein and directed me to report the same to the Senate, and ask leave to sit again; which was agreed to.

On motion,

The Senate adjourned.

TUESDAY, JANUARY 14, 1840.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a communication from W. F. Thornton, President of the Board of Canal Commissioners in pursuance of a resolution of the Senate in relation to the number of officers and persons employed by the State at the Canal office at Lockport, with their respective salaries and per diem pay; which was read, and

On motion of Mr. Stadden,

Referred to the committee on Canals and Canal Lands.

Mr. Ross presented the petition of Robert Davis for the purposes therein expressed; which was read, and,

On motion of Mr. Ross,

Referred to the committee on the Judiciary.

Mr. Mitchell presented the petition of sundry citizens of Tazewell county, praying that a part of said county be attached to the county of Logan, and,

On motion of Mr. Mitchell,

The reading of the same was dispensed with, and referred to the committee on Petitions.

Mr. Harrison presented the petition of sundry citizens for a road from Dixons to Belvit, on the east side of Rock river, and,

On motion of Mr. Harrison,

The reading of the same was dispensed with, and referred to the committee on Public Roads.

On motion of Mr. Gatewood,

The order of business was suspended;

Whereupon,

Mr. Gibbs made the following announcement, viz:

Mr. Speaker: It has become my painful and truly melancholy duty to announce to the Senate the death of the Hon. James Copeland, of the House of Representatives, from Johnson county. It is indeed painful when I recollect his standing at home, his family and connexions. His county has lost a worthy citizen and an honest Representative, I and others who were intimate with him have lost a friend.

Born and raised in the western country, inured to labor in early youth, he had by industry and economy acquired a very handsome property, and stored his mind with correct principles, from which he was never known to depart.

Therefore,

Resolved, That as a testimony of respect to the memory of the late James Copeland, a member of the House of Representatives, of whose death we have just been informed, that the members of the Senate wear the usual badge of mourning for the term of thirty days.

Resolved, as a further testimony of respect that the Senate now adjourn; which said resolutions were read and adopted.

WEDNESDAY, JANUARY 15, 1840.

Senate met pursuant to adjournment.

A message from the House of Representatives, by I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate, that they have passed bills of the following titles, viz:

"An act to authorize Shirland Rose and Andrew C. Swan to build a bridge across Fever river, at Galena in the county of Jo Daviess;"

"An act to amend an act, entitled 'An act concerning the road from Quincy to Warsaw,' approved February 22, 1839;"

"An act to change a part of the State road leading from Griggsville to Quincy;"

"An act authorizing Ira Menard, Read Huron, Bela J. Hunt and Darwin Millington, to build a dam across Fox river;"

"An act relating to certain records in the counties of Franklin, Williamson, Morgan and Cass;"

"An act to amend an act to create and establish the county of Jersey;"

"An act authorizing the commissioners courts to alter and relocate State roads;"

"An act to incorporate the towns therein named;"

"An act to legalize the assessment of taxes in the counties of McHenry and Stark for the year 1839;"

"An act to amend an act concerning justices of the peace and constables, approved February 3, 1839;"

"An act to incorporate the North-Western Manufacturing Company;"

"An act supplemental to an act, entitled 'An act to authorize the inhabitants of Cahokia to raise a levee on the bank opposite to Cahokia;"

"An act for the relief of Calvin Gould;"

"An act to amend an act, entitled 'An act to amend an act prescribing

the mode of summoning grand and petit jurors and defining their duties and qualifications,' approved February 13, 1835;"

"An act in relation to executions;"

"An act to vacate a part of the town plat of Bennett's addition to the town of Petersburg;"

"An act to vacate the town plat of the town of Washington;"

"An act in relation to the Commissioner for the sale of the saline lands in Gallatin county;"

"An act to incorporate the Springfield Mechanics Union;"

"An act to regulate the mode of proceeding in the redemption of real estate sold under execution;"

"An act to amend an act incorporating the Calhoun Coal and Mining Company;"

"An act to legalize the acts of the Commissioners of Champaign county;"

"An act to change the name of the Kaskaskia Insurance Company;"

"An act to amend an act, entitled 'An act establishing the courts of county commissioners;"

"An act concerning attachments;"

"An act to locate a State road from Clayton to Barry;"

In the passage of which several bills they ask the concurrence of the Senate. And he withdrew.

Mr. Speaker laid before the Senate a communication from the Board of Fund Commissioners containing a report in relation to a contract with Messrs. Wright & Co., of London; which was read, and,

On motion of Mr. Browning,

Laid on the table.

Mr. Wood, from the committee on Petitions, to which was referred the petition of 1,150 citizens of Tazewell county, praying to have a part of said county attached to the county of Logan, reported a bill entitled "An act attaching a part of Tazewell county to Logan county;" which was read, and

Ordered to a second reading.

On motion of Mr. Mitchell,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to be engrossed, and read a third time.

Mr. Wood, from the committee on petitions, to which was referred the petition of Isaiah M. Treat, praying for the passage of an act to vacate the town of Buffalo, in Will county, reported a bill, entitled "An act to vacate the survey and plats of the towns of Buffalo and East Buffalo;" which was read, and

Ordered to a second reading.

Mr. Wood, from the committee on Petitions to which was referred the petition of sundry citizens of Menard and Tazewell counties, praying for a new county to be formed out of part of Menard and Tazewell counties to be called Mason county, reported the same back and asked to be discharged from a further consideration of the subject; which was agreed to.

On motion,

Laid on the table.

Mr. Borough, from the committee on Public Roads, to which was referred a resolution of the Senate in relation to the expediency of so amending the law in relation to working roads as to compel persons only to work in proportion to the property they may have in possession, reported the same back, and asked to be discharged from a further consideration of the subject; which was agreed to, and,

On motion of Mr. Borough,

Laid on the table.

Mr. Browning moved to suspend the order of business; which was not agreed to.

Mr. Hacker, from the committee on Internal Improvements, to which was referred a bill, entitled "An act to grant pre-emption rights upon lands owned by the State and entered for Internal Improvement purposes, reported the same back without amendment.

On motion of Mr. Hacker,

Laid on the table.

Mr. Browning, from the committee on the Judiciary, to which was referred a bill entitled "An act establishing insurance offices in Morgan, Scott and Pike counties," reported the same back with sundry amendments thereto; which were severally read and concurred in.

Ordered to be engrossed, and read a third time.

On motion of Mr. Browning,

The rule of the Senate was suspended, and said bill read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

Mr. Hacker, from the committee on Finance to which was referred a bill, entitled "An act for the benefit of the counties of Greene and Jersey," reported the same back without amendment, and recommended the rejection of said bill;

On motion of Mr. Witt,

Laid on the table.

Mr. Little from the committee on the Judiciary, made the following report:

The committee on the Judiciary to whom was referred a bill for an act entitled "An act in relation to Gale's statutes," have according to order had the same under consideration, and beg leave to

REPORT:

That so far as they have examined the book purporting to be a compilation of the statutes of the State of Illinois of a public nature, with some few exceptions, mentioned in the preface thereto, and published by Stephen F. Gale, they find it to contain accurate copies of the laws of this State up to the year 1838, and that the book itself is got up in a style altogether superior to any work of a similar kind that has fallen under the observation of your committee.

The bill, which has been referred to your committee, proposes that this book shall be evidence of the laws therein contained, and shall be

of the same authority as the respective statute books published by the Public Printer.

Your committee have been informed by highly respectable gentlemen of the bar, who have carefully examined this book, that the statutes which are contained in it, are truly and correctly copied from the several statute books of this State; and this your committee have no reason to doubt is the case. Nevertheless, they conceive that in order to justify their reporting in favor of the passage of the bill, it would be necessary for them to compare word for word, the laws published in this book, with the laws which have been published in the legally recognized statute books of this State. This would have required at the hands of your committee a length of time, which would extend beyond the session of this Legislature.

In asking to be discharged from the further consideration of this subject, your committee cannot refrain from repeating that the book above referred to, is got up in a superior style—and that its execution and arrangement throughout, is of a most praiseworthy and creditable character, and as such they commend it to the patronage of the public.

On motion of Mr. Ross,

Said bill together with the report was laid on the table.

Mr. Little, from the committee on the Judiciary to which was referred a bill entitled "An act to prevent trespassing by cutting timber," reported the same back without amendment and recommended the rejection of said bill.

Mr. Little moved the indefinite postponement of said bill;

Which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gibbs, Greer, Hacker, Hunter, Harrison, Johnston, Little, Markley, Mills, Mitchell, Moore, Monroe, Murray, Nunnally, O'Rear, Parrish, Richardson, Ross, Servant, Sergeant, Warren, Weatherford, Witt, Woodworth and Wood—34.

Those who voted in the negative, are,

Messrs. Allen, Bostick, Gatewood, Herndon and Stadden—5.

Mr. Davidson moved to suspend the order of business; which was agreed to.

Whereupon,

On motion of Mr. Hamlin,

The Senate again resolved itself into a committee of the Whole for the purpose of taking into consideration sundry bills and resolutions in relation to the Internal Improvement system;

Mr. Harrison in the chair, and after some time spent therein,

Mr. Speaker resumed the chair, Mr. Harrison reported that the Senate had, according to order, had said bill and resolutions under consideration, had made some progress therein and directed him to ask leave to sit again; which was granted.

On motion,

The Senate adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Witt,

The Senate again resolved itself into a committee of the Whole, for the purpose of taking into consideration sundry bills and resolutions in relation to the Internal Improvement system;

Mr. Harrison in the chair. And after some time spent therein,

Mr. Speaker resumed the chair. Mr. Harrison reported that the Senate had had, according to order, said bills and resolutions under consideration, and have amended the bill for, "An act to amend an act, entitled 'An act to establish and maintain a general system of Internal Improvements;'" in which amendment they ask the concurrence of the Senate;

And on the question—Will the Senate concur with the committee?

On motion,

The Senate adjourned.

THURSDAY, JANUARY 16, 1840.

Senate met pursuant to adjournment.

Mr. Browning, from the committee on the Judiciary, to which was referred a bill for "An act to amend the several laws in relation to practice in courts of law and chancery," reported the same back with sundry amendments; which were read and concurred in, and said bill as amended, was

Ordered to be engrossed and read a third time.

Mr. Davidson, from the committee on the Judiciary, to which was referred a bill, entitled "An act in relation to the county of Williamson," reported the same back without amendment.

Mr. Hacker moved to amend said bill by striking out the words "His Excellency the Governor," and inserting in lieu thereof, "The Secretary of State;" which was agreed to, and said bill as amended,

Ordered to be engrossed and read a third time.

Mr. Wood, from the committee on Petitions, to which was referred a bill for "An act for the relief of George M. Hanson," reported the same back without amendment and recommended its rejection.

On motion of Mr. Warren,

Said bill was laid on the table.

Mr. Wood, from the committee on Petitions, to which was referred the petition of Joseph Robinson, asking for license to keep a ferry across the Illinois river at Peru, in La Salle county, reported back said petition, and asked to be discharged from the further consideration of the subject; which was agreed to, and,

On motion of Mr. Wood,

Said petition was laid on the table.

Mr. Browning, from the committee on the Judiciary, to which was referred the petition of Robert Davis, for the purposes therein expressed, reported a bill for "An act to authorize the Auditor to enter a credit upon a judgment against Robert Davis;" which was read, and,

On motion of Mr. Ross,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and

Ordered to be engrossed, and read a third time.

Mr. Browning, from the committee on the Judiciary, to which had been referred a resolution inquiring into the expediency of repealing the law in relation to election of probate justices of the peace by the people, reported a bill for "An act to repeal an act, entitled 'An act to provide for the election of probate justices of the peace,' approved March 4, 1837;" which was read, and

Ordered to a second reading.

Mr. Woodworth, from the committee on Canals and Canal Lands, to which had been referred a bill for "An act to amend an act to provide for the dedication of lots in towns situated on Canal lands to public purposes, approved February 28, 1839," reported the same back, with an amendment; which was concurred in, and said bill,

Ordered to be engrossed and read a third time.

Mr. Richardson offered the following resolution, viz:

Resolved, That the Fund Commissioners be required to inform the Senate in a condensed form, the amount of money that will be available for railroad purposes in the year 1840, and, also, whether there are any State Bonds executed and not delivered; and if so, why Bonds are executed and not in the way of transfer; which was read and adopted.

A message from the House of Representatives, by I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate that they have passed bills of the following titles, viz:

"An act permanently to locate the seat of justice of the county of De Kalb;"

"An act to re-locate parts of State roads in Fayette county;"

"An act exempting certain articles from execution to those already exempt by the laws of this State;"

In the passage of which said several bills they ask the concurrence of the Senate.

They have also concurred with the Senate in the passage of a bill for "An act to authorize John A. Clark, to build a bridge across the Pickatonia."

They have also laid on the table until the fourth day of July next a bill for "An act to limit the duration of the office of Clerks of the Circuit Courts."

They have also laid on the table until the first Monday of December next, a bill for "An act to repeal part of an act regulating the interest on money."

They have also refused to read a third time, a bill for "An act to authorize Pope county to pay off its public debt."

They have also ordered to be printed for the use of both Houses 150 copies of the reports of both the majority and minority of the committee

on Finance in relation to the contract of the Fund Commissioners with Messrs. Wright & Co., &c. And he withdrew.

Mr. Little offered the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the law in relation to proceedings before justices of the peace, as to allow judgment debtors a stay of execution fifty days on judgments for amounts not exceeding twenty-five dollars; seventy-five days for amounts not exceeding fifty dollars, nor less than twenty-five dollars; and one hundred days, for amounts not exceeding one hundred dollars and not less than fifty, such debtors giving security for the payment of the amounts stayed, at the termination of the above respective periods, to be approved by the said justices respectively, upon a failure of which, execution to issue immediately, and that they report by bill or otherwise; which was read.

Whereupon,

Mr. Herndon offered the following amendment, viz:

“Provided however, That such stay shall only apply to contracts hereafter entered into, and said act to take effect from and after the first day of January, 1841.”

Mr. Browning moved the indefinite postponement of the said resolution and the amendment.

The question recurring on Mr. Browning's motion,

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Churchill, Davidson, Gaston, Gatewood, Greer, Hacker, Herndon, Mills, Mitchell, Moore, Monroe, Murray, Parrish, Richardson, Sergeant, Weatherford and Wood—20.

Those who voted in the negative, are,

Messrs. Blackwell, Browning, Butler, Fithian, Fletcher, Gibbs, Hamlin, Hunter, Harrison, Johnston, Little, Markley, Nunnally, O'Rear, Ross, Servant, Stadden, Warren, Witt, Woodworth and Mr. Speaker—21.

The question then recurring on the amendment offered by Mr. Herndon;

It was decided in the affirmative.

Whereupon,

Mr. Servant moved the following amendment, viz:

“And that a judgment obtained before a justice of the peace shall be a lien on the personal property of the debtor;” which was read and adopted.

When,

Mr. Bostick moved to further amend said resolution by adding the following, viz:

“Provided, That on all such judgments 12 per cent. shall be recovered;” which was not agreed to.

Whereupon,

Mr. Markley moved the adoption of the following amendment to said resolution, viz:

“Provided also, That the constable to whom execution may be issued upon such judgment, shall make return upon the same within thirty days from the date of said execution;” which was not agreed to.

Mr. Gibbs moved to lay said resolution, together with the amendments, upon the table until the 4th day of July next; which was agreed to.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Butler, Churchill, Davidson, Gaston, Gatewood, Gibbs, Greer, Hacker, Hamlin, Herndon, Mills, Mitchell, Moore, Monroc, Murray, Nunnally, O'Rear, Parrish, Richardson, Sergeant, Weatherford, Woodworth and Wood—26.

Those who voted in the negative, are,

Messrs. Blackwell, Browning, Fithian, Fletcher, Hunter, Harrison, Johnston, Little, Markley, Ross, Servant, Stadden, Warren, and Witt—14.

Mr. Stadden, on leave given, introduced a bill for "An act, entitled 'An act concerning judgments and Executions,' approved January 17, 1826;"

Also to amend "An act entitled 'An act concerning judgments and executions,' approved February 6, 1839;" which was read, and,

On motion of Mr. Stadden,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Woodworth, on leave given, introduced a bill for "An act to make evidence a certain edition of the Illinois statutes therein named;" which was read, and,

On motion of Mr. Woodworth,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Servant, on leave given, introduced a bill for "An act to revive the State Bank of Illinois;" which was read, and

Ordered to a second reading.

On motion,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Parrish asked and obtained leave to introduce a bill for "An act to incorporate the Benton Academy in the county of Franklin;" which was read, and

Ordered to a second reading.

Mr. Little asked and obtained leave to introduce a bill for "An act to amend the law in relation to change of venue;" which was read, and

Ordered to a second reading.

On motion of Mr. Ross,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Browning asked and obtained leave to introduce a bill for "An act in relation to evidence;" which was read, and

Ordered to a second reading.

On motion of Mr. Browning,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Harrison asked and obtained leave to introduce a bill for "An act to incorporate the Galena Mining, Smelting, and Hydraulic Company;" which was read, and

Ordered to a second reading.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Monroe, from the committee on Enrolled Bills, reported as correctly enrolled,

"An act to incorporate the Rock Island University;"

"An act to authorize certain persons therein named to keep a ferry;"

"An act to amend an act, entitled 'An act to incorporate the Rock Island Mutual Fire Insurance Company;'"

"An act to revive and continue in force an act, entitled 'An act to locate a certain State road therein mentioned,' approved February 27, 1839;"

"An act to amend an act, entitled 'An act to amend the several acts in relation to common schools,' approved March 4, 1837;"

"An act to authorize H. H. Gear to keep a ferry across the Mississippi river;"

"An act to authorize the county of Jo Daviess to borrow money;"

"An act for the incorporation of the Fayette Steam Mill Company;"

"An act to amend an act to incorporate the Knox Manual Labor College;"

He also reported that the committee had this day laid the aforesaid bills before the Council of Revision.

Mr. Hacker moved to take up the following bill for "An act to grant pre-emption rights upon land owned by the State and entered for Internal Improvement purposes;" which was laid upon the table some days since; which was agreed to.

Mr. Hacker moved to amend the same by striking out all after the enacting clause and insert the following:

SEC. 1. That it is hereby made the duty of the Auditor of Public Accounts, to make and execute deeds to any lands entered by the Commissioners of Public Works upon conditions hereinafter mentioned, to wit:

Whenever any person or persons shall make satisfactory proof that such person or persons was or were actual settlers, and resided on any tract of land at the time of such purchase by said Commissioners of Public Works, not exceeding one hundred and sixty acres; and, also, upon the further condition that any such person claiming such pre-emption after the same has been allowed, shall pay over to, and obtain a receipt for the same from the Fund Commissioners, the value of such land at the rate of one dollar and twenty-five cents per acre, and the said Fund Commissioners shall place the same so received to the general Internal Improvement fund.

SEC. 2. This act is to be understood to aid and more effectually carry out the *Proviso* to the thirty-first section of the "Act to establish and main-

tain a general system of Internal Improvements, approved February 27, 1837."

Sec. 3. That the State be protected against damages for the right of way over such land in case of any of the railroads passing over any such tract of land hereby authorized to be conveyed.

Mr. Witt moved to amend the amendment by adding the following, viz:

Provided however, That this act shall not extend to any person who shall not apply for said land and pay for the same within six months from the passage of this act; which was adopted.

When the question recurring on the adoption of the amendment as amended;

It was decided in the affirmative.

And said bill as amended,

Ordered to be engrossed and read a third time.

Mr. Fletcher moved to take up the bill for "An act to incorporate the city of Springfield," which was laid upon the table a few days since; which was agreed to, and,

On motion of Mr. Fletcher,

The 24th, 32d and 34th sections of said bill were stricken out, and the following adopted as an additional section to said bill, viz:

It shall be the duty of the president and trustees of the town of Springfield, immediately after the passage of this act, to cause the same to be published two weeks in succession in two of the public journals printed in said town, and thereafter give notice for a public meeting of the legal voters of said town, who shall have been resident citizens thereof at least six months preceding said meeting, to be held at the Court House on the first Monday in April next, for the purpose of then and there voting for the adoption or rejection of this act. The majority of the legal voters then present shall determine the adoption or rejection of the same: *Provided*, at any subsequent meeting, like notice being given as aforesaid, the same may be adopted, and take effect immediately thereafter; and said bill as amended, was

Ordered to be engrossed and read a third time.

The bill for "An act providing for the election of a Public Binder and defining his duties;" which was laid upon the table a few days since was,

On motion of Mr. Hacker,

Taken up, and said bill, as amended,

Ordered to be engrossed and read a third time.

The question recurring on the question pending at the time of adjournment on yesterday, which was, will the Senate concur in the report of the committee of the whole in the amendment to the bill for "An act to amend an act to establish and maintain a general system of Internal Improvement;"

Mr. Davidson moved the previous question.

And upon the question—Shall the main question be now put?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Borough, Blackwell, Browning, Butler, Churchill, Davidson,

Fithian, Greer, Hamlin, Hunter, Little, Markley, Moore, Murray, Nunnally, O'Rear, Ross, Servant and Sergeant—19.

Those who voted in the negative, are,

Messrs. Allen, Bostick, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Harrison, Herndon, Johnston, Mills, Mitchell, Monroe, Parrish, Richardson, Stadcen, Warren, Weatherford, Witt, Woodworth and Wood—21.

Mr. Herndon moved to amend the amendment of the committee of the Whole, by adding the following, viz:

Provided however, should the Commissioners of Public Works be able to procure means after paying the present contractors, then and in that case they are hereby authorized to proceed to complete that part of the Central railroad as lies between the mouth of the Ohio and Illinois rivers; that part of the Northern Cross railroad as lies between the Illinois and Wabash rivers; and also, that part of the Alton and Shawneetown railroad as lies between Equality and Shawneetown.

On motion,

The Senate adjourned.

FRIDAY, JANUARY 17, 1840.

Senate met pursuant to adjournment.

Mr. Gatewood moved to suspend the order of business; which was agreed to.

Whereupon,

Mr. Gatewood asked and obtained leave to introduce a bill, entitled "An act to dispose of the stock of the State in the Bank of Illinois;" which was read, and

Ordered to a second reading.

On motion of Mr. Gatewood,

The rule of the Senate was dispensed with, said bill read a second time by its title, laid on the table, and

Ordered to be printed.

A message from the Council of Revision, by H. G. Hubbard, their Secretary:

Mr. Speaker: The Council of Revision have had the following bills under consideration, which have been approved:

"An act to change the name of the town of Worcester, in Pike county to that of Barry;"

"An act to legalize the assessment of taxes in the county of De Kalb for the year 1839;"

"An act to attach the county of Lee to the Sixth Judicial Circuit;"

"An act declaring Fox river navigable;"

"An act to vacate the town plat of the town of Cottage Grove in the county of Cook." And he withdrew.

On motion of Mr. Wood,

The order of business was suspended.

Whereupon,

Mr. Witt asked and obtained leave to introduce a bill, entitled "An

act to repeal an act to establish and maintain a general system of Internal Improvements;" which was read, and

Ordered to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, and said bill read a second time by its title.

Mr. Gatewood moved to amend said bill by striking out all after the enacting clause, and inserting the following, viz:

SEC. 1. That all improvements in charge of the Commissioners of Public Works, which have been ordered or directed by the several acts to which this is amendatory, shall be, and they are hereby required to be suspended, whether contracts have been taken upon them or not, and the said Board of Public Works, as hereinafter organized, is expressly forbid to make or cause to be made or let, any other contracts under the various acts in relation to the Internal Improvement system, than those hereinafter excepted out of the general suspension.

SEC. 2. That notwithstanding the provisions of the foregoing section, the Commissioners of Public Works shall have power and it shall be their duty—

Firstly—To prosecute all the lettings on the Central railroad which are in continuous lines from the Northern and Southern terminations of said Central railroad, and from the Illinois river Northwardly and Southwardly.

Secondly—To cause to be completed the improvement of the Great Western mail route to the extent of the appropriations heretofore made for that work.

Thirdly—To cause to be completed the road from Mt. Carmel to Albion, eighteen miles. The road from Shawneetown to Equality, twelve miles. The road from Alton to Edwardsville, fifteen miles. The road from Jacksonville to Springfield, thirty-three and a half miles. From Wabash river to Paris, eighteen miles. *Provided however*, That on all the works in this section mentioned and required to be completed, the Commissioners of Public Works are hereby expressly prohibited from making any further contracts or lettings of any kind or description whatsoever, until the said Board of Public Works shall have been officially informed by the Fund Commissioner, in answer to the requisition of the said Board of Public Works, that there are means available to pay the estimated amount of the proposed contract or contracts; And provided, also, that the said Commissioners of Public Works shall not locate or let to contract the construction of the Northern termination of the Central railroad, west of or across Fever river, unless the State be indemnified against the expenses of making the same beyond the first location of the termination of said Central railroad, by the owners of the right of way; any thing in the "act fixing the Northern termination of the Central railroad," approved March 4th, 1839, to the contrary notwithstanding.

SEC. 3. The said Commissioners of Public Works, whenever the Board shall make a requisition upon the Fund Commissioners, shall state the work to be prosecuted, and the amount of money required to carry on the proposed contract on said work.

SEC. 4. That so much of the fourth section of "An act to establish and maintain a general system of Internal Improvement," approved 27th February, 1839, as authorizes the election of seven Commissioners of Public Works to constitute the Board of Public Works, be, and the same is hereby repealed; and it shall be the duty of the present General Assembly by joint vote of both Houses, to elect three competent and skilful persons, citizens of this State, who shall each be styled Commissioner of Public Works, and who shall collectively form and constitute the Board of Commissioners of Public Works, whose powers and duties shall be the same as now prescribed by law for the Board of Public Works, except as hereinafter limited and provided for.

SEC. 5. That so much of the first section of the said before recited act as authorizes the election of three persons to constitute the Board of Fund Commissioners, be and the same is hereby repealed; and it shall be the duty of the present General Assembly, by joint vote of both Houses, to elect one competent and skilful person, a citizen of this State, who shall be styled the Fund Commissioner, whose powers and duties shall be the same as now prescribed by law for the Board of Fund Commissioners.

SEC. 6. That the said Commissioners of the Board of Public Works, and the Fund Commissioner elected under the provisions of this act, shall continue in office until the end of the next session of the General Assembly; and at the next session of the General Assembly, there shall be elected a Fund Commissioner and three Commissioners of Public Works, and biennially ever after, who shall respectively continue in office two years, and whose pay and emoluments shall be the same as now allowed by law; and in case of a vacancy in either of said offices, occasioned by death, resignation, removal from the State, or failure on the part of the Legislature to elect, the Governor, for the time being, shall fill such vacancy by appointment.

SEC. 7. It shall be the duty of the Board of Public Works hereby created, to appoint one principal Engineer and three assistant Engineers, and no more, who shall take such oath and perform such duties as are now required by law; and it shall be the duty of said Principal Engineer, in addition to the duties assigned by the Board to him, to be present at all the meetings of the Board of Public Works, and with all his science and ability, aid and advise said Board upon all subjects that require a knowledge of the science of engineering to decide, and none other. The said principal Engineer shall receive the sum of two thousand dollars annually, and the said assistant Engineers shall receive the sum of one thousand dollars each annually for their services, and no more, under any pretence whatever.

SEC. 8. There shall not be kept at the public expence, more than one Clerk or Secretary in the office of the Board of Public Works; and all local offices are hereby abolished, and the plans, books and papers of any and all kinds, shall be deposited in the office of the Board of Commissioners of Public Works.

SEC. 9. On all those contracts which shall be by the operation of this law suspended, it shall be the duty of the Board of Commissioners of Public Works, to cause to be made true and faithful estimates of all the work done in pursuance of said contracts respectively, and also to make a fair

and just assessment of all damages actually sustained by any such contractors in consequence of such suspension; and when the estimates or assessments, or both, shall have been made, and the contractors shall be satisfied with the same, it shall be the duty of the said Board, or a majority thereof, to make their draft upon the Fund Commissioner, as now prescribed by law in cases of estimates; and if drafts be drawn for damages assessed, it shall specify the facts in relation thereto,—the contract section, and the particular road or work on which the same is assessed; *Provided, however,* that this section shall not be construed to embrace any contractor whose contracts have been heretofore abandoned or declared forfeited.

SEC. 10. That hereafter it shall be deemed and taken as a good execution of the State bonds hereafter to be sold under the provisions of any of the acts to which this is amendatory, or of this act, for the Fund Commissioner to sign the same, together with the Governor, and counter signed by the Auditor of State, with the impress of the Great Seal of State, and the signature of the Secretary of State; and the said several officers are hereby required to sign the same whenever desired thereto by the Fund Commissioner.

SEC. 11. That the Commissioners elected under the provisions of this act, at the present General Assembly, and those hereafter to be elected, shall have power to do and perform all such duties as might or could be done or performed under the provisions of the laws in relation to Internal Improvements by the Fund Commissioners, and the Commissioners of Public Works; and all acts and parts of acts relating to the late Boards of Commissioners, shall apply to those elected under this act, when not inconsistent with this act.

Mr. Hamlin moved to amend said amendment by striking out from the word "duty," in the second line of the second section to the word "provided," in the eleventh line of said section, and insert the following in lieu thereof, viz:

Firstly. To prosecute to completion that portion of the Northern Cross railroad lying between Springfield and Jacksonville;

Secondly. To prosecute the Alton, Shelbyville and Terre Haute railroad;

Thirdly. To prosecute the improvements upon the Great Wabash, Illinois and Rock rivers;"

Which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Browning, Butler, Churchill, Davidson, Fletcher, Greer, Hamlin, Harrison, Markley, Mills, Monroe, Nunnally, O'Rear, Richardson, Ross and Warren—16.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Fithian, Gaston, Gatewood, Gibbs, Hacker, Hunter, Herndon, Johnston, Little, Mitchell, Moore, Murray, Parrish, Servant, Sergeant, Stadden, Weatherford, Witt, Woodworth and Wood—24.

And the question recurring on the adoption of the amendment offered by Mr. Gatewood;

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Harrison, Herndon, Mills, Mitchell, Monroe, Parrish, Stadden, Warren, Woodworth and Wood—16.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Hunter, Johnston, Little, Markley, Moore, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Weatherford and Witt—24.

Mr. Johnston moved to amend said bill by striking out all after the enacting clause and insert the following in lieu thereof, viz:

"That all laws and parts of laws now in force, which authorizes the expending money by the State of Illinois, in the improvement of rivers or the construction of railroads; all laws and parts of laws which authorize the pledging of the faith and credit of the State, for the purpose of raising money to construct the Illinois and Michigan Canal; and all laws, authorizing an expenditure of any money now on hand which have been thus raised, be and the same is hereby repealed."

Mr. Servant moved to amend the amendment by striking out so much of said amendment as relates to the Illinois and Michigan Canal;

Which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Browning, Butler, Churchill, Fithian, Fletcher, Gatewood, Greer, Hacker, Hamlin, Harrison, Herndon, Markley, Mitchell, Moore, Monroe, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—30.

Those who voted in the negative, are,

Messrs. Blackwell, Davidson, Gaston, Gibbs, Hunter, Johnston, Little, Mills, Murray and Parrish—10.

Mr. Witt moved to lay the same on the table until the 4th day of July next;

Which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Fithian, Fletcher, Gaston, Gatewood, Greer, Hacker, Hamlin, Hunter, Harrison, Herndon, Little, Markley, Mitchell, Moore, Monroe, Murray, Nunnally, O'Rear, Parrish, Ross, Stadden, Warren, Weatherford, Witt and Woodworth—32.

Those who voted in the negative, are,

Messrs. Davidson, Gibbs, Johnston, Mills, Richardson, Servant, Sergeant and Wood—8.

Mr. Bostick moved to amend said bill by striking out all after the enacting clause and inserting the following in lieu thereof, viz:

SEC. 1. That the act entitled "An act to establish and maintain a general system of Internal improvements," approved February 23, 1837, and all acts supplementary or amendatory thereto be and the same are hereby repealed.

SEC. 2. The office of the Board of Fund Commissioners and of the Board of Public Works are hereby abolished.

SEC. 3. There shall be elected by the joint vote of the General Assembly at its present session, three competent persons, one from each Congressional district in the State, to be denominated the Board of Commissioners of Internal Improvement.

SEC. 4. The said Commissioners shall hold their offices until the end of the next session of the General Assembly, and shall receive for their salary the sum of ——— dollars per annum, and shall hold their sessions on the first Mondays of April, August and October, at the seat of Government, and at other times when the interests of the State may require it.

SEC. 5. There shall be elected by the joint vote of the two Houses of the present General Assembly a chief Engineer for the State, who shall reside at the seat of Government, and hold his office until the end of the next session of the General Assembly, and receive a salary of ——— dollars per annum and perform such duties as may be required by law.

SEC. 6. There shall be appointed by the said Board of Internal Improvements, as many Assistant Engineers, not exceeding three, as may in the opinion of said Board be necessary to enable the said Board to perform the duties hereinafter enjoined on them, who shall hold their offices, as long as their services may, in the opinion of said Board, be needed, and severally receive for their services, a salary of ——— dollars per annum.

SEC. 7. The said Board shall ascertain as early as practicable:

1st. The amount now due to each contractor on any of the Public works in this State on monthly estimates and retained per centage, and the amount it will require to complete each of said contracts; and,

2d. The particular cases in which damages have been paid to individuals for the right of way. and in which such individuals will sustain but little or no damage in consequence of the abandonment by the State of the public work for the right of way for which such damages have been assessed.

SEC. 8. The Board of Internal Improvement shall require an immediate suspension of operations by all contractors on the Public Works, from and after the passage of this law, and shall pay to each of said contractors in the manner hereinafter provided for, the full amount due to such contractor on monthly estimates; and in addition thereto, on condition that such contractor will voluntarily abandon his contract, and release the State from any and all claims to damages, on account of such suspension, said Board shall pay to such contractor the full amount of retained per centage due him. But if such contractor will not voluntarily abandon his contract, and release the State as aforesaid, then the said Board shall only pay to him the amount due him on monthly estimate, and shall report the facts of such case to the General Assembly at their next session, for their action thereon.

SEC. 9. The said Board shall, by one of its members, demand of each citizen of this State, who has received damages for the right of way of any work of Internal Improvement of this State through the land or town lots of such citizen, when such public work has not been constructed over such land, a reimbursement of the amount of money so received by such citizen with six per cent. per annum interest thereon from the date of its receipt to its reimbursement, and shall report to the General

Assembly at their next session, a list of the names of the individuals on whom they will have made the demand herein required to be made, the description of the land of each of such individuals, the particular road the right of way over which has been paid for by the State, but not used, the amount thus paid, and of which repayment is demanded, and the result of such demand: *Provided*, That such demand may be made for only such portion of the sum paid, as the said Board may deem it just and right, in cases where the public work has been commenced through the land intended to be traversed by such public work, but not completed.

SEC. 10. The said Board shall occupy the office now occupied as a Central office, and the books of said office shall pertain to the office of said Board.

SEC. 11. The present Secretary of the Board of Public Works is hereby appointed Secretary to the Board of Internal Improvements, and shall continue in office during the term of office of the Commissioners of said Board, and shall receive for his services a salary of ——— dollars per annum.

SEC. 12. The books, papers, stationary and furniture appertaining to the office of the Board of Fund Commissioners are hereby required to be transferred to, and kept in the office of the Auditor of Public Accounts.

SEC. 13. In all cases in which it shall become necessary under this act to disburse any portion of the public money, the mode of payment shall be as follows, viz: the claims shall be first audited by the Board of Internal Improvement, and if allowed by said Board, they shall make an order on their books showing such allowance and for what made; and on presentation of a copy of such order certified by the Secretary of said Board the Auditor of Public Accounts shall draw his warrant on the State Treasurer, in favor of the holder of such order for the amount thereof, said warrant to bear interest at the rate of six per centum per annum from date until paid, and to be countersigned and registered by the said Treasurer.

SEC. 14. The Board of Fund Commissioners are hereby required to pay into the hands of the State Treasurer all the public moneys now remaining in their hands; and all the moneys that may hereafter be obtained by the State on contracts for the sale of State Bonds, shall be paid to said State Treasurer, who is hereby required to give additional bond in the penalty of \$100,000 conditioned to pay out according to law, all the moneys coming into his hands under this act.

SEC. 15. The sum of ——— dollars is hereby appropriated for the payment of all sums that may become due under this act, which said sums shall be paid out of the money that may come into the hands of the State treasury not otherwise appropriated.

SEC. 16. The Board of Internal Improvement, the State Treasurer and the Auditor of Public Accounts shall keep in their respective offices proper books exhibiting in each case of a disbursement of the public money under this act the name of the drawer of the amount drawn, and the date and amount of such warrant and any thing properly pertaining to such disbursement.

SEC. 17. The present Secretary of the Board of Fund Commissioners is hereby appointed a Clerk in the office of the Auditor of Public Accounts.

counts, whose special province it shall be to keep the books pertaining to the disbursement of the public moneys under this act, who shall continue in office until the end of the next session of the General Assembly, and receive for his salary the sum of ——— dollars per annum.

SEC. 18. The accounts of any and every officer of the State under any of the laws hereby repealed, and of any and every person having or claiming to have any demand against the State under any of said laws shall be audited; and if allowed, paid in the manner prescribed by the thirteenth section of this act.

SEC. 19. Should a vacancy occur in the office of chief Engineer or of Secretary of the Board of Internal Improvement, the same may be filled by appointment of said Board; and if in the office of Clerk hereby appointed in the office of Auditor of Public Accounts, the same may be filled by appointment of said Auditor.

SEC. 20. If the amount of business becoming necessary to be performed by the Secretary of the Board of Internal Improvements under this act, should render it necessary, the said Secretary to employ one or more assistant Clerks in his office for such time and for such compensation as the said Board may deem right.

This act to take effect from and after its passage.

Mr. Witt called for a division of the question.

And the question being first taken upon striking out,

It was decided in the negative.

Whereupon,

Mr. Hacker offered the following amendment, viz:

“Provided, That nothing herein contained shall be so construed as to release the State from any liability to carry out in good faith any and all contracts entered into by the State under the several laws hereby repealed;” which was read and adopted.

The question then recurring whether said bill, as amended, should be engrossed and read a third time?

It was decided in the affirmative.

Those who voted in the affirmative are,

Messrs. Borough, Bostick, Butler, Davidson, Gaston, Gibbs, Hacker, Hunter, Herndon, Johnston, Mills, Moore, Murray, Nunnally, O’Rear, Parrish, Richardson, Servant, Sergeant, Stadden, Weatherford and Witt—22.

Those who voted in the negative, are,

Messrs. Allen, Blackwell, Browning, Churchill, Fithian, Fletcher, Gatewood, Greer, Hamlin, Harrison, Little, Markley, Mitchell, Monroe, Ross, Warren, Woodworth and Wood—18.

On motion,

The Senate adjourned.

SATURDAY, JANUARY 18, 1840.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a communication from the Board of Public Works, containing their report in pursuance of a resolution of the

Senate in relation to the reserved right of the Board to abandon contracts, &c.; which was read, and,

On motion of Mr. Witt,

Laid on the table.

On motion of Mr. Davidson,

The order of business was suspended.

Whereupon,

Mr. Davidson read a communication from the Hon. W. Kitchell, Attorney General of the State of Illinois, in relation to his opinion, "That the State ought not to pay any of her debts, from a failure of consideration," as misquoted by Honorable Senators therein named.

On motion of Mr. Ross,

The order of business was suspended.

Whereupon,

On motion of Mr. Ross,

The engrossed bill for "An act to authorize the Auditor to enter a credit upon a judgment against Robert Davis," was taken up, said bill read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

On motion of Mr. Richardson,

The order of business was suspended.

Whereupon,

On motion of Mr. Richardson,

The bill from the House of Representatives, for "An act to authorize and require the school commissioners of Sangamon county to pay over certain school funds to the school commissioners of Menard, Logan and Danes counties," was taken up, read a third time, as amended, and passed.

Mr. Richardson moved to amend the title of said bill by adding:

"The commissioners of Schuyler county to pay over certain moneys to the commissioners of Brown county;" which was agreed to.

Ordered, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendment to said bill.

On motion of Mr. Stadden,

The order of business was suspended.

Whereupon,

On motion of Mr. Stadden,

The bill from the House of Representatives, entitled "An act to permanently locate the seat of justice of the county of De Kalb," was taken up, read, and

Ordered to a second reading.

On motion of Mr. Stadden,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to a select committee.

Ordered, That Messrs. Stadden, Woodworth and Mitchell, be that committee.

On motion of Mr. Nunnally,

The order of business was suspended.

Whereupon,

On motion of Mr. Nunnally,

The bill from the House of Representatives, entitled "An act fixing the times of holding the spring terms of the Circuit Courts in the counties of Coles and Champaigne, and authorizing an additional term of the Circuit Courts of Vermilion and Edgar" was taken up, and read a second time.

Mr. Monroe moved to amend said bill by striking out so much as relates to Coles county; which was agreed to; and,

On motion of Mr. Fithian,

Referred to a select committee.

Ordered, That Messrs. Fithian, Nunnally and Monroe, be that committee.

On motion of Mr. Mitchell,

The order of business was further suspended.

Whereupon,

On motion of Mr. Mitchell,

The engrossed bill, entitled "An act attaching a portion of Tazewell county to Logan county," was taken up, read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

On motion of Mr. Warren,

The order of business was further suspended.

Whereupon,

On motion of Mr. Warren,

A bill some days since laid on the table, entitled "An act for the relief of George M. Hanson," was taken up, and referred to the committee on Finance.

Mr. Borough, from the committee on Public Roads, to which was referred the petition of sundry citizens for a road from Dixon's to Belvit, on the east side of Rock river, reported a bill, entitled "An act for a State road from Dixon via Rockford on the east side of Rock river, to Belvit;" which was read, and

Ordered to a second reading.

Mr. Wood, from the committee on Petitions, to which was referred the petition of sundry citizens of Schuyler and Adams counties for a State road, reported a bill, entitled "An act to locate a State road therein named;" which was read, and,

Ordered to a second reading.

Mr. Little, from the committee on the Judiciary, to which had been referred a bill for, "An act supplemental to an act, entitled 'An act to incorporate the Quincy House Company,' approved March 2, 1839," reported the same back with an amendment; which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

On motion of Mr. Little,

The rule of the Senate was dispensed with, said bill read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform

the House of Representatives thereof, and ask their concurrence in the passage of said bill.

Mr. Little, from the committee on the Judiciary, to which was referred a bill for "An act to amend the acts concerning practice," reported the same back without amendment and recommended the passage of said bill.

And on the question—Shall said bill be engrossed and read a third time?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Harrison, Little, Mills, Monroe, Murray, O'Rear, Ross, Servant, Sergeant, Warren, Witt and Wood—22.

Those who voted in the negative, are,

Messrs. Bostick, Gaston, Gibbs, Hacker, Hunter, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Weatherford and Woodworth—15.

Mr. Davidson, from the committee on the Judiciary, to which was referred a resolution inquiring into the expediency of amending the law in relation to tavern keepers, reported the same back, and asked to be discharged from the further consideration of the same; which was agreed to.

On motion of Mr. Davidson,

Laid on the table.

Mr. Davidson from the same committee to which was referred a resolution inquiring into the expediency of amending the law in relation to *casas*, reported the same back and asked to be discharged from the further consideration of the subject; which was agreed to.

On motion of Mr. Parrish,

Laid on the table.

Mr. Hacker moved the adoption of the following resolution, viz:

Resolved, That the committee on Internal Improvements be instructed to report a bill to this Senate, having for its object the completion of so much of the Northern Cross railroad as lies between Jacksonville and the Sangamon; so much of the Central railroad as is now under contract from Cairo city north, forty-three miles; and also, the railroad from Shawneetown to Equality. Also to provide in said bill for the transfer of contracts from one road to another, when the contractors will consent; also, the reduction of officers and agents connected with the system; which was,

On motion of Mr. Hacker,

Laid on the table.

Mr. Stadden, on leave given, introduced a bill, entitled "An act in relation to the court house in the county of La Salle;" which was read, and

Ordered to a second reading.

On motion of Mr. Stadden,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to be engrossed and read a third time.

Mr. Woodworth, on leave given, introduced a bill, entitled "An act to amend an act, entitled 'An act for the relief of purchasers of Canal lots and lands and for other purposes,' approved March 2, 1839;" which was read, and

Ordered to a second reading.

On motion of Mr. Woodworth,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Canals and Canal Lands.

Mr. Mills, on leave given, introduced a bill, entitled "An act to amend an act, entitled 'An act to incorporate the Mount Carmel and Alton Railroad Company,' approved January 16, 1836;" which was read, and

Ordered to a second reading.

On motion of Mr. Mills,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Little, on leave given, introduced a bill, entitled "An act to alter the times of holding Circuit Courts in some of the counties in the fifth Judicial Circuit;" which was read, and

Ordered to a second reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Woodworth, on leave given, introduced a bill, entitled "An act to amend an act, entitled 'An act concerning justices of the peace and constables,' approved February 3, 1827;" which was read, and

Ordered to a second reading.

On motion of Mr. Woodworth,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Browning, on leave given, introduced a bill, entitled "An act supplementary to an act, entitled 'An act relative to wills and testaments, executors and administrators, and the settlement of estates;'" which was read, and

Ordered to a second reading.

On motion of Mr. Browning,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Warren, on leave given, introduced a bill, entitled "An act to legalize the change of a State road therein named;" which was read, and

Ordered to a second reading.

On motion of Mr. Warren,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to be engrossed, and read a third time.

On motion,

The Senate adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Nunnally,

The order of business was suspended.

Whereupon,

Mr. Nunnally offered the following resolution, viz:

Resolved by the Senate, the House of Representatives concurring herein, That no new business will be received after Monday next, and that this Legislature will adjourn *sine die* on Monday the 27th inst.

Mr. Hacker moved to amend, by striking out all after the word "resolved," and insert the following, viz:

"By the Senate, the House of Representatives concurring herein, That both Houses adjourn *sine die* on Monday next, at 8 o'clock, A. M.;"

Which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Fithian, Gibbs, Hacker, Johnston, Mills, Parrish and Warren—7.

Those who voted in the negative, are,

Messrs. Borough, Blackwell, Browning, Butler, Churchill, Davidson, Gaston, Greer, Hamlin, Harrison, Herndon, Little, Markley, Mitchell, Moore, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Weatherford and Witt—24.

On motion of Mr. Davidson,

Said resolution was laid on the table.

The orders of the day being taken up, and the question recurring on the question pending at the time of adjournment, some days since, on Mr. Herndon's amendment to the report of the committee of the Whole, in relation to sundry bills and resolutions referred to that committee, on the Internal Improvement system,

On motion of Mr. Herndon,

Said report, together with the proposed amendment, were laid on the table.

On motion of Mr. Davidson,

The committee of the Whole were discharged from the further consideration of the remaining bills and resolutions in relation to the Internal Improvement system, and,

On motion of Mr. Davidson,

Said bills and resolutions were laid on the table.

The engrossed bill, entitled "An act for the appointment of an additional notary public in the town of Grafton, in Jersey county," was read a third time and passed.

On motion of Mr. Ross,

The title of said bill was amended, by adding "Pittsfield, in Pike county, and Charlestown, in Coles county."

Ordered, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The engrossed bill, entitled "An act to establish a ferry across the Illinois river," was read a third time, and,

On motion of Mr. Hamlin,

Laid on the table.

The engrossed bill, entitled "An act to incorporate the Illinois Legion," was read a third time;

And on the question—Shall said bill pass?

It was decided in the negative.

The engrossed bills, entitled

"An act to alter a certain State road in Fayette county;"

"An act to locate a State road therein named;"

"An act to amend an act authorizing Samuel Withers to build a toll bridge across the Skillet Fork of the Little Wabash river;"

"An act to change the name of the town of Victoria, in the county of White, to that of Philipstown;"

"An act to authorize the trustees of schools in township eight north, range five east, to refund certain money;"

"An act requiring school commissioners to distribute school funds at the county seats;"

"An act in relation to certain roads in Greene county;"

"An act to amend an act, entitled 'An act to prevent trespassing by cutting timber,' approved February 17, 1819;"

"An act fixing the times of holding courts in the sixth Judicial Circuit;"

"An act to amend the several laws in relation to practice in courts of law and chancery;"

"An act in relation to the county of Williamson;"

"An act to amend an act, entitled 'An act to provide for the dedication of lots, in towns situated on Canal lands, to public purposes,' approved February 28, 1839;" and

"An act to amend 'An act for the probate of wills in certain cases,' in force March 2, 1839;"

Were severally read a third time, and passed.

Ordered, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bills.

The engrossed bill, entitled "An act to grant pre-emption rights upon lands owned by the State and entered for Internal Improvement purposes was read a third time.

Mr. Warren moved to amend said bill by adding the following as a rider, viz:

"*Provided*, That when fields, contiguous to their immediate habitations, extend over on such lands:" which was agreed to.

And on the question—Shall said bill pass as amended?

It was decided in the affirmative.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The engrossed bill, entitled "An act providing for the election of a Public Binder, and defining his duty," was read a third time and passed.

Mr. Davidson moved to amend the title, by striking out after the word "The," and insert in lieu thereof the words "binding of the laws and journals;" which was agreed to.

Ordered, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The engrossed bill, entitled "An act to repeal an act to establish and maintain a general system of Internal Improvements," was read a third time.

Mr. Browning moved to amend the bill by adding the following as a rider, viz:

"Provided, also, That no money shall be paid out on account of work hereafter done upon contracts, until all debts and liabilities now existing, including all damages assessed for the right of way, have first been paid off and discharged."

Mr. Hacker moved to lay the bill, together with said amendment, on the table.

Mr. Stadden moved that the Senate now adjourn; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Gaston, Harrison, Herndon, Richardson, Servant and Stadden—6.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Gibbs, Greer, Hacker, Hamlin, Johnston, Little, Markley, Mills, Mitchell, Moore, Murray, Nunnally, O'Rear, Parrish, Ross, Sergeant, Warren, Weatherford and Witt—28.

Mr. Mitchell moved that the Senate now adjourn; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Bostick, Churchill, Gaston, Gibbs, Hacker, Harrison, Herndon, Johnston, Mitchell, Monroe, Parrish, Stadden, Woodworth and Wood—15.

Those who voted in the negative, are,

Messrs. Borough, Blackwell, Browning, Butler, Davidson, Fithian, Greer, Hamlin, Little, Markley, Mills, Moore, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Warren, Weatherford and Witt—22.

The question recurring on laying said bill and proposed amendment on the table,

It was decided in the negative.

Whereupon, Mr. Browning withdrew his proposed amendment.

Mr. Monroe moved that the Senate now adjourn; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Bostick, Churchill, Gaston, Gibbs, Hacker, Harrison, Herndon, Johnston, Mitchell, Monroe, Parrish, Stadden, Warren and Woodworth—15.

Those who voted in the negative, are,

Messrs. Borough, Blackwell, Browning, Butler, Davidson, Fithian, Greer, Hamlin, Little, Markley, Mills, Moore, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Weatherford, Witt and Wood—22.

A message from the Council of Revision, by Mr. Hubbard, their Secretary:

Mr. Speaker: I am directed by the Council of Revision to deliver the following communication, viz:

The Council of Revision having had the act, entitled "An act to amend 'An act to authorize Henry W. Cleaveland to build a toll bridge across the Winnebago swamp,' approved February 19, 1839," under consideration and revised the same, respectfully return it, with their objections, to the Senate for further Legislative action.

The second section of the act is conceived to be in direct conflict with the eleventh section of the eighth article of the Constitution of the State, which declares that no man's property shall be taken, or applied to public use, without the consent of his representatives in the General Assembly, nor without just compensation being made to him. It does not appear by the original act, nor by the present amendatory act, that the grantee is the owner of the land, on which the bridge and causeway is to be constructed; and if it did it would be absurd to suppose that it required legislative permission to use the soil, stone or timber on the land for any purpose whatever. The presumption then is, that the act intends to authorize the use of the materials from off lands which the owner of the bridge and causeway does not possess any title to whatever.

The second section consequently is in direct conflict with the provision cited, and therefore clearly unconstitutional, no provision being made to secure to the owner compensation for the materials which the section authorizes to be used. If on the other hand it be supposed the lands belong to the United States, it would seem to be equally clear, that while the right of way and a free transit is given over the lands, of which we have no doubt, when necessary for the public good and convenience, still we suppose the legislative department have no power whatever to authorize trespasses on the lands of the Government, which acts of removing timber, soil, and stone clearly would be.

For these reasons the Council cannot approve the passage of the act in question.

THO. CARLIN,
WM. WILSON,
THO. C. BROWNE,
THEO'S. W. SMITH.
SAM'L. D. LOCKWOOD.

And he withdrew.

The question again recurring on the passage of the bill, entitled "An act to repeal an act to establish and maintain a general system of Internal Improvements,"

Mr. Browning again moved to amend the bill, by adding the following as a rider, viz:

"*Provided, also,* That no money shall be paid out on account of work hereafter done upon contracts, until all debts and liabilities now existing, including all damages assessed for right of way, have first been paid off and discharged;" which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Da-

vidson, Fithian, Greer, Hamlin, Little, Markley, Mills, Moore, Murray, Nunnally, O'Rear, Ross, Servant, Sergeant and Weatherford—21.

Those who voted in the negative, are,

Messrs. Gibbs, Hacker, Parrish, Richardson, Witt and Wood—6.

Mr. Herndon moved to amend said bill, by adding the following proviso to wit:

“Provided, That nothing herein contained shall be so construed as to repeal that part of the law establishing a system of Internal Improvements as relates to the Northern Cross railroad.”

Mr. Browning moved that the Senate now adjourn; which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Gaston, Greer, Hacker, Hamlin, Harrison, Herndon, Johnston, Markley, Mills, Mitchell, Moore, Murray, Parrish, Stadden, Warren, Woodworth and Wood—23.

Those who voted in the negative, are,

Messrs. Bostick, Davidson, Fithian, Gibbs, Little, Monroe, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Weatherford and Witt—14.

MONDAY, JANUARY 20, 1840.

Senate met pursuant to adjournment.

A message from the Council of Revision, by Mr. Hubbard, their Secretary:

Mr. Speaker: The Council of Revision have revised and approved of acts of the following titles, to wit:

“An act to authorize H. H. Gear to keep a ferry across the Mississippi river;”

“An act to amend an act to incorporate the Knox Manual Labor College;”

“An act to amend an act to incorporate the Rock Island Mutual Fire Insurance Company;”

“An act to revive and continue in force an act, entitled ‘An act to locate a certain State road therein mentioned,’ approved February 27, 1839;”

“An act to amend an act, entitled ‘An act to amend the several acts in relation to common schools,’ approved March 4, 1837;”

“An act to authorize the county of Joe Daviess to borrow money;”

“An act to incorporate the Fayette Steam Mill Company;

“An act to incorporate the Rock Island University;”

“An act to authorize certain persons therein named to keep a ferry.”

And he withdrew.

Mr. BROWNING from the Judiciary Committees of the two Houses, acting as a Joint Committee, to which was referred all contracts made by the Fund Commissioners, for the sale of State bonds, since the adjournment of the Legislature in March last; also all contracts made for

the sale of State bonds on account of the Illinois and Michigan Canal, with instructions to examine said contracts, and report whether they had been made in conformity with law, and whether the State was or was not bound by them, state, that a separate report will, in due time, be submitted in reference to the contracts made for the sale of State bonds on account of the Illinois and Michigan Canal.

The committee have patiently and carefully examined all contracts made by the Fund Commissioners, since March last, for the sale of State bonds on account of the Internal Improvement System, and upon them now

REPORT:

That the interests and the character of the State are so deeply involved in the enquiry with which they are charged, that they have esteemed it their duty to report at length upon the subjects submitted for their consideration, and to state the reasons from which their conclusions are deduced.

On the 27th day of February, 1837, the bill for an act to establish and maintain a General System of Internal Improvements passed into a law, one provision of it authorizing the State to borrow the sum of eight millions of dollars, to be applied to the construction of the works contemplated by the bill. To carry into effect this provision of the bill it was enacted that three Fund Commissioners should be appointed to negotiate the loans, and that it should be deemed a sufficient execution of the power to borrow money, for said commissioners to sell the bonds, or State Stocks, to be issued on account of internal improvements, *provided that said bonds, should not, in any event, be sold for less than their par value.* Other provisions of the law authorize the Fund Commissioners to stipulate for the payment of interest semi-annually at such place in New York, Boston, or Philadelphia as may be agreed upon by the contracting parties; and by an amendatory law, subsequently passed, the authority is extended so as to enable the bonds to be executed in any foreign language, for the payment of foreign coin, in any foreign country to be agreed upon between the contracting parties. The bonds are to bear interest at the rate of six per cent. per annum, and to be reimbursable at the pleasure of the State, after 1870.

The parts of the law above recited, are all which your committee deem it necessary, at this time, to advert to, to aid them in discharging the important duty assigned them: and they now proceed to investigate the questions involved, namely, "Have the contracts entered into by the Fund Commissioners for the sale of the State bonds, since the adjournment of the Legislature in March last, been made in conformity with law, and is, or is not, the State bound to ratify such contracts?" The first contract to which the committee would invite attention, is that entered into on the 22d day of August, 1839, between Messrs. M. M. Rawlings and Charles Oakley, Fund Commissioners of the State of Illinois, of the one part, and Messrs. Wright & Co. of London, of the other part. This contract is so overwhelmed with words, so obscured with profusion of language, and constant repetition of terms and conditions, that it is only after the most diligent and careful investigation that it can be comprehended. The committee have endeavored to divest it of a

much of its ambiguity as possible, and now present the following as its principal provisions:

That the Fund Commissioners shall cause to be delivered to Messrs. Wright & Co., in London, on or before the first day of January, 1840, State bonds of the State of Illinois, for one million five hundred thousand dollars, or three hundred and thirty-seven thousand five hundred pounds sterling British money, in bonds of one thousand dollars or two hundred and seventy-five pounds each, reimbursable after the 1st day of January, 1870, and bearing interest at the rate of 6 per cent. per annum, payable semi-annually at the banking-house of Wright & Co. in London. Upon said bonds being deposited with Wright & Co., they are to advance to the State of Illinois on the 15th day of January, 1840, the sum of twenty thousand pounds; the further sum of ten thousand pounds on the 15th day of February, 1840; the further sum of ten thousand pounds on the 15th day of March, and ten thousand pounds on the 15th day of April, 1840, making in all the sum of fifty thousand pounds. Wright & Co. are constituted agents to sell the bonds aforesaid, at such time as they may deem expedient, but they are to be so sold that par shall be received for them here, according to the then rate of exchange between London and Illinois. When sold, Wright & Co. are to retain out of the proceeds as a commission for their services, the excess received by them upon the sale of said bonds, over and above the sum to be paid to the State of Illinois, which is to be par value according to the then rate of exchange between London and Illinois, provided said commission shall not exceed five per cent. upon the whole amount of bonds so sold. Wright & Co. are next to retain out of the proceeds of the sales of said bonds, all sums of money which they may have advanced, at any time, to the State of Illinois; all expenses incurred by them in negotiating the sales of said bonds; the costs and charges of the contract entered into between the Fund Commissioners and said Wright & Co.; and the costs and charges of arranging a contract with Thompson & Forman for the purchase of rail road iron, with interest upon all of said sums at the rate of five per cent. per annum, from the dates of the advances or payments respectively; and the balance of the proceeds of said bonds they are to remit to the State of Illinois.

Wright & Co. are not to be bound to make any advances whatever upon said bonds, except the fifty thousand pounds herein before mentioned, but are at liberty to advance other sums if they choose to do so.

The interest upon said bonds is to be paid at the banking-house of Wright & Co. in London, on the first days of January and July, annually, they receiving a commission of one per cent. for paying the same to holders: remittances to pay the interest to be so made that Wright & Co. shall be in funds at least fifteen days before the dividends fall due, so as to enable them to give ten days notice to the holders of the coupons, by advertisement, the costs and charges of advertising to be paid by the State of Illinois.

All remittances of money from London to Illinois, and from Illinois to London, whether for the payment of interest or otherwise, to be at the hazard and at the costs and charges of the State of Illinois; and finally all costs and charges of whatever kind or description, incurred or to be

incurred in consequence of the interest on said bonds being made payable in London, are to be paid and discharged by the State of Illinois.

Was this contract made in conformity with the law under which the Fund Commissioners acted? In the opinion of your committee this question is easily answered. They hesitate not to say that the Fund Commissioners have transcended their authority, and made the contract in gross violation of law, and with an utter disregard of the interests of the State. The committee might here stop, but as the financial reputation of high functionaries of the State may appear to be involved, they think it alike due to the country, to the commissioners, and to themselves, to assign the reasons for the conclusions to which they have arrived. The law authorizing the sale of State Bonds, positively prohibits their sale for less than par value. According to this contract with Wright & Co., will the State receive par value for the Bonds delivered to them for one million and a half of dollars? She will not, or what in the opinion of the committee is the same thing in effect, she will have to pay more than par value in meeting the interest, and in the ultimate extinction of the debt. True, the Bonds are to be so sold that for every Bond for two hundred and twenty-five pounds sold in London, we shall receive a thousand dollars here. But is this *par*? It certainly is not, and there are several aspects in which the matter may be presented, to demonstrate that it is not. During the past year exchanges have been as high as nine per cent. between London and New York, and five per cent. between New York and Illinois. Now, suppose the Fund Commissioners, at the above rates of exchange, selling a thousand dollar Bond in London upon such terms as to make it produce a thousand dollars in Illinois. The Bond will be sold in London, not for a thousand dollars, but for about eight hundred and seventy-five dollars, being one hundred and twenty-five dollars less than par there. In transactions of this sort, money is not actually brought from England to Illinois, to be disbursed in kind, but is transferred from the one country to the other through the medium of bills of exchange. The Fund Commissioner, then, instead of bringing the \$875, for which he sold his Bond, to the United States in money, leaves it in the hands of the purchaser; and when he gets to New York, draws a bill of exchange upon the purchaser in London for \$875, which he sells in New York for \$953. This he again leaves, and when he reaches Illinois, draws a bill upon his friend in New York for \$953, and sells it here for a thousand dollars, which is paid to the State, and by her applied to the purposes for which it was borrowed. The State receives \$1,000 here, for the \$1,000 Bond which has been sold in England, and it is very obvious that it would be a par sale to the State if the interest upon the Bonds, and the Bonds themselves, were payable in Illinois. But not so. The bonds, and the interest upon them, are payable in London. Suppose, now, a thousand dollars to be paid upon these Bonds in London. The money is not transported from Illinois to England, with which to make the payment; but, as before, the operation is effected through the medium of bills of exchange. The exchanges remaining at the same rate, the State must, for a bill of exchange on New York for \$1,000, pay here the sum of \$1050, and in New York for a bill of exchange upon London for \$1,000, she must pay there \$1090; so that for every \$1,000 we receive in Illinois under this contract with Messrs. Wright & Co., we have to pay \$1,140 in London,

exchanges remaining at the same rate. The interest upon one and a half millions (the amount of Bonds delivered to Wright & Co.) is ninety thousand dollars per annum, and if paid here, ninety thousand dollars would discharge it; but being payable in London, it will according to the rates of exchange above mentioned, require the sum of one hundred and two thousand, six hundred dollars with which to make the payment. The Bonds are reimbursable after 1870, and consequently have thirty years to run, and in that thirty years the State of Illinois will lose the sum of three hundred and seventy-eight thousand dollars in interest alone, that is, it will require that much more to pay the interest in London, than it would to pay it in Illinois.

Pursuing the same estimate, upon the same data, and when the interest for thirty years shall all have been paid, and the principal reimbursed, the State will have paid upon the contract the sum of five hundred and eighty-eight thousand dollars more than she would have done upon a par sale of the Bonds.

But as the State is to receive a thousand dollars here for every thousand dollar bond sold in London, it may be insisted that the sale has been at par, and, therefore, in that respect, conformable to law. Although this is at first view plausible, the committee think it already sufficiently answered by showing the losses which must annually result to the State by paying interest in London, owing to the differences in exchange between London and Illinois. But as they may not have made themselves fully understood, there is another medium through which the transaction may be viewed, which will, perhaps tend to illustrate it, and make it more easy of comprehension.

One provision of the law under which the Fund Commissioners acted, forbids them to contract for the payment of a greater rate of interest than six per cent. per annum, and should they attempt to bind the State for the payment of more, the contract would clearly be null and void. In this case they have delivered to Messrs Wright & Co., Bonds for one and a half millions of dollars, and the interest on this sum at six per cent. would amount to ninety thousand dollars per annum, and yet exchanges being as above assumed, the State will pay in interest every year, instead of ninety thousand, the sum of one hundred and two thousand six hundred dollars, so that if it be insisted that the bonds have been sold at par, it may well and truly be answered that the Commissioners have transcended their authority, and violated the law, by compelling the State, in fact, to pay more than six per cent. per annum upon her Bonds, although no greater rate of interest has been expressly stipulated for.

Leaving this branch of the subject, there are many other provisions of the contract in violent conflict with the law, under which the commissioners acted, and which it is difficult for the committee to conceive would have been made by faithful and intelligent agents, elevated above all personal considerations, and acting with an eye single to the well being of the State they represented; and which, of themselves abundantly manifest the illegality of the whole transaction. In what part of the law to establish and maintain a general system of Internal Improvements, or of the supplemental laws thereto, did the Fund Commissioners suppose they had found the authority to hypothecate State bonds? No such power exists, no such authority was ever conferred; and yet the transaction with Wright

& Co. far from being a sale, is but a hypothecation. They advance to the State fifty thousand pounds, and the State deposits with them as security therefor, bonds to the amount of three hundred and thirty seven thousand five hundred pounds, with power to sell, and reimburse themselves at pleasure. The bonds thus hypothecated are bearing 6 per cent. interest, payable semi-annually, on the first days of July and January, and in addition Messrs. Wright & Co. are to receive 5 per cent. per annum, upon all advances made by them to the State, upon the faith and security of these bonds, from the time of the advance till reimbursement.

It is matter of astonishment that Messrs. Rawlings and Oakley, professing to act by and under authority of law, as the accredited agents of the State, to whom she had confided her interests, should have ventured upon such a transaction, and no less astonishing that Messrs. Wright & Co. with the law before them, should have participated in it. They could not have done so with any reasonable expectation that the State would sanction and ratify a contract, made so palpably without authority, and by which she was to suffer so extensively in her finances.

The committee will not attempt to point out in detail the many particulars in which the interests of the State appear to have been entirely overlooked, or wilfully disregarded, but must content themselves with presenting the most prominent and glaring objections, and which, it seems to them, ought to strike every capacity, however limited, as wholly inconsistent with the spirit, if not the letter of the law.

It is stipulated that the expense of making the above contract with Wright & Co., shall be defrayed by the State of Illinois; that the charges of all contracts made by Wright & Co., for the sale of these same bonds, to any other person, shall be paid by the State of Illinois; that all remittances of money, to and from England, whether for the payment of interest or otherwise, whether paid by Wright & Co. to the State, or by the State to Wright & Co., shall be at the risk, and at the proper costs and charges of the State of Illinois; that the State shall pay to Wright & Co. one per cent. for handing over the interest upon the bonds, after the money is furnished them; and, finally, that the State shall, throughout the period of thirty years, pay for semi-annual advertisements, to be made in London papers, for the benefit of the holders of coupons, in England.

Can it be necessary to dwell longer upon this contract? Is there one here who feels that to his care is entrusted the character and prosperity of the State, and the interest of her citizens, and whose proud duty it should be to guard them from all injury, whether offered by fraud or ignorance, who is prepared to sanction the transaction, and to say to his country, that in so doing, he has honestly and faithfully acquitted himself of his trust?

Well may we say of London, "the shark is there, and the sharks prey—the spendthrift and the leech that sucks him."

The State is now, and will be for years and years to come, groaning under the weight of a debt, which, however *improvidently*, has been at least *honestly* contracted, and which she is by every consideration of honor, integrity and good faith, bound to meet and redeem. Let us not augment her already grievous burdens by superadding this. We owe it to those who hold our bonds, uncontaminated by fraud, to husband our limited means; and this we cannot do, our tottering credit we cannot uphold, without fixing upon all such contracts as this, the strong and decided

marks of our disapprobation. It would be difficult to conceive how a contract could be framed, under the operation of which the State would more freely bleed at every financial pore, without supposing that the only end to be attained, by all the contracting parties, was to enrich the individual at the expense and ruin of the State. The committee now dismiss this contract with the remark, that the ways and means devised, by which the State is to be the loser, for the period of thirty years, through which the contract has to run, are so various, and so complicated, that the amount of the loss defies computation.

Next is the contract of Messrs. Rawlings and Oakley, with Messrs. Thompson & Forman, iron merchants of London, for the purchase of iron, and as the Fund Commissioners are, under the law, the proper agents to make such purchases, the committee would not have interfered with this contract had it been confined to that object; but as in the same contract, and as part thereof, they have engaged for the disposal of State Bonds, in a manner not warranted by law, we have thought it our duty to call legislative attention to it, that it might be either ratified or disclaimed. By this contract, Messrs. Thompson & Forman, agree to sell to the State of Illinois, 9,500 tons of flat bariron rails, together with a sufficient quantity of spike nails, and splicing plates for the rails. The State is to receive the iron in Wales, and to pay for it there, as follows:

For the rails, £9.10 per ton; for splicing plates, £11.10 per ton; and for spike nails £22 per ton. Shipmen's to be at the risk, and costs in all respects, of the State of Illinois. When iron is shipped in Wales, for the State of Illinois, Wright & Co., if they have in their hands any funds belonging to the State of Illinois, are to pay Thompson & Forman for the same, according to the invoice they may present; the invoice of Thompson & Forman being conclusive evidence of the amount of iron shipped, and their receipt to Wright & Co. to be conclusive evidence between them and the State of Illinois, of the amount of money paid to Thompson & Forman. If the iron is not paid for, on delivery, at the ports in Wales, Thompson & Forman are to be paid interest upon the amount of their invoice, including all costs and charges, at the rate of five per cent. per annum, till paid, and are to receive, as security for payment, a deposit of State Bonds, estimated at their value in London, according to the then rates of exchange, and if payment is not made in twelve months after the shipment of iron, they are to sell the bonds of the State, and pay themselves out of the proceeds, provided said bonds are so sold as to produce par in Illinois, according to the then existing rates of exchange between London and Illinois.

There are many parts of this contract which the committee think objectionable, but as they have been directed to enquire into the legality, and not the judiciousness of the contracts, they pass by all, save such stipulations as appear to them to be in violation of law. The chief of these is the agreement to hypothecate bonds, as a security for iron, to be furnished by the house of Thompson & Forman. In another part of this report, we have already stated that no authority was conferred upon the Commissioners to hypothecate bonds for the purpose of raising money, and that a contract for that purpose, being in violation of law, would not be obligatory upon the State. The case is not changed by hypothecating for other purposes, and as far as this contract proposes to do so,

the committee think it should not receive the sanction of the Legislature. There is another feature of this transaction, which although it may not be strictly illegal, is certainly highly reprehensible. That is, the agreement to pay five per cent. interest per annum upon the invoices of Messrs. Thompson & Forman, if the money be not paid for the iron, at the time of its delivery. It will be recollected that by the contract with Wright & Co., the State bonds to be delivered to them, are to bear interest at the rate of six per cent. per annum, and that the holders of the bonds, for the time being, whoever they may be, are entitled to receive the interest, and authorized to present the coupons for payment as they fall due. The effect of the agreement with Thompson & Forman then, it is obvious, is to pay them interest twice upon the same sum. If the iron is paid for, when delivered, no interest accrues. If not paid for, interest at the rate of five per cent. per annum, is to be paid upon the invoice, and bonds pledged to secure the payment of the price.— These bonds bear six per cent. interest, which the holders are entitled to receive; and in this way, the State of Illinois pays to Thompson & Forman, five per cent. interest on the price of the iron, and six per cent. interest upon the bonds given as security for the same iron. Did the friends of the Internal Improvement System ever suppose, when they stood forward as the advocates and champions of the measure, and plighted the faith of the State to uphold and sustain it, that the interests and character of the State were thus to be bartered away? Was it ever in the contemplation of the law, that such contracts should be executed? Was authority ever delegated to the Fund Commissioners to negotiate such? Would not such a course of financiering, if sanctioned, and acquiesced in, inevitably bankrupt the Treasury, prostrate the credit, and tarnish the fame of the State?

The Committee would feel that they were recreant to the trust reposed in them, if restrained by regard for the feelings of individuals, or awed by political power, they were to hesitate to pronounce this contract, so far as it stipulates for the payment of interest upon invoices of iron, highly reprehensible, and as far as it proposes to hypothecate bonds, illegal and void, and to invoke the aid of the Legislature in repudiating it.

Having disposed of the two preceding contracts, which appears to be the only ones made by the Fund Commissioners in Europe, neither of which is a contract of sale, but both of hypothecation, the committee now proceed to examine the contracts made in the United States, of which seven have been laid before us, and which we are informed by the Fund Commissioners are all that have been entered into since the adjournment of the last Legislature. These are all contracts of sale, and in that particular conformable to law, and unless they shall be found in some of their stipulations to exceed the authority of the Commissioners, the committee will feel bound to acquiesce in them, however, much they may lament that new and additional debts have been contracted in these times of pecuniary embarrassment and distress.

Three of these contracts, namely, with the Erie county Bank in the city of Buffalo, the Commercial Bank of Buffalo, and the Bank of Commerce in Buffalo, are in all respects similar. They are for one hundred thousand dollars each, payable in funds at par in the city of Buffalo,

so that we receive the benefit of the exchanges now, if they shall be lost to us in the payment of interest, and reimbursement of the principal. These Bonds have all been delivered, and are consequently drawing interest, but nothing is lost to us in this way, as an interest account is kept between the Banks and the State, to be adjusted upon the payment of the last instalment. The committee therefore perceive nothing in these contracts requiring Legislative action.

The fourth is a contract with the Atlantic Bank in the city of New York for one hundred and fifty thousand dollars, and differs from the three preceding contracts in this only, that a part of the instalments may be paid, at the option of the Bank, in Illinois Bank notes, or Bank notes at par in New York, and that the Bank may, by giving thirty days notice of her intention, permit two drafts of \$9,000 each to run ninety days without interest. What inducement the Commissioners had for extending this indulgence to the Bank, the committee is not informed. If Illinois Bank notes should be below par in New York, at the time the instalments fall due, there can be no doubt that the Bank will purchase them at a discount to meet her engagements, whilst, by the operation, the State of Illinois will lose the exchange, and incur the expense of conveying the notes from New York to Illinois. If, however, Illinois Bank notes shall at the time, be at par in New York, no loss whatever will be sustained in consequence of that provision in the contract.

Upon the two drafts above mentioned, if the Bank shall choose to avail herself of the privilege given, and there can be but little doubt that she will, the State will lose \$270 in interest. The Bonds under this contract have all been delivered, and the committee therefore submit it for the consideration of the Legislature.

The fifth is a contract with January & Dunlap, for the sale of Bonds for two hundred thousand dollars, and the committee find nothing in it objectionable.

The sixth with the Farmers' and Mechanics' Bank, for fifty thousand dollars, is in all respects similar to the three contracts made with the Banks in Buffalo, and in the opinion of the committee, they are all such as the law sanctions and authorizes, except that the Commissioners have agreed to receive, in payment of the Bonds, Bank notes which may be at par, in the places of payment, at the times of payment.

Such an arrangement as this might place it out of the power of the Commissioners to demand specie or its equivalent, and is, in the opinion of the committee, a restriction which the law did not intend should be imposed upon the State.

Contracts should be so made that the State could, if desirable, demand specie in payment.

The seventh and last contract is of so extraordinary a character, as to require, at the hands of your committee a separate examination. This is the contract made on the 7th day of May, 1839, with John Delafield, a banker of New York, for the sale of two hundred and eighty-three State Bonds, of one thousand dollars each, amounting to the sum of two hundred and eighty-three thousand dollars. It is short and simple, and requires not to be divested of redundant and ambiguous verbiage ere it can be understood, and the committee conceive that a bare statement of its

contents will be a conclusive and unanswerable demonstration of its illegality. It is as follows:

The Fund Commissioners are to deliver to Mr. Delafield State Bonds of the State of Illinois, for the sum of two hundred and eighty-three thousand dollars, bearing interest at the rate of six per cent. per annum, which is to commence running upon said Bonds in favor of the said Delafield on the 7th day of May, 1839. Delafield on his part, in consideration of the delivery of said Bonds is to advance to the State of Illinois, on the 1st day of December, 1839, the sum of fifty thousand dollars; the like sum of fifty thousand dollars on the 1st day of February, 1840; fifty thousand dollars on the 1st of March, 1840; fifty thousand on the 1st of April, 1840; fifty thousand on the 1st day of May, 1840; and the balance of thirty-three thousand on the 1st of June, 1840.

It will be perceived that according to the stipulations above recited, nine months interest (wanting seven days) is to be paid upon the whole sum of \$283,000 before one cent of it has been received by the State, and that before the last instalment has been received, we will have paid interest for one year and one month (minus 7 days) upon the whole amount. What inducement the Commissioners could have had for entering into so extraordinary a contract, your committee are utterly unable to determine. Conjecture fails them in searching for a motive. What interest of the State was to be promoted by the arrangement? What great good secured for which she ought to be willing to pay a bonus of \$14,000. If it were desirable to negotiate a loan on behalf of the State at the date of the contract, why was not the money advanced at the time? or if the State did not need the money or any part thereof, until the 1st of December, 1839, why make the contract on the 7th May, 1839, instead of waiting to take advantage of any favorable changes which, in the mean time, might occur in the monetary condition of the country? The committee cannot hesitate, in reference to this contract, to say, that although the Bonds sold bear but 6 per cent. interest per annum, and although they were sold at par, or would have been, had the money been paid for them at the time of the sale, that the Commissioners had no shadow or pretence of authority to sell the Bonds of the State upon a long credit, and stipulate for the payment of a large amount of interest upon such Bonds before the money for which they were sold, has been received; and that said contract has been made without due regard to the interests of the State, in palpable violation of law, without authority, and ought not to be ratified by the representatives of a people whose financial embarrassments are to be so much augmented by the transaction. It may be possible that the Fund Commissioners can give some explanation of this contract, but surely none which would exonerate them from censure. If the Bonds would not sell on any better terms, their duty was, not to sell at all. If they could have disposed of them more favorably, why did they not do it? If there was a pressing emergency for money, and loss likely to accrue to the State, unless it was immediately obtained, why was it not paid at the time the Bonds were sold? If there was no instant and urgent necessity for raising money, why, at that time, make the contract at all? Why pay Mr. Delafield interest upon money which he retained in his hands and continued to use? Why make him a gratuity of \$14,000 without any corresponding advantage to the State?

It is levying too heavy a contribution upon the credulity of the committee to ask them to believe that a pure and patriotic desire to advance the interests of the State, constituted the only inducement for the making of this contract. The fund Commissioners must have lost sight of the condition of the State, whose agents they were, and wholly have forgotten under what circumstances the law that clothed them with authority was enacted. They could not have remembered that a large majority of those who voted for the bill, believed, that for every hundred dollars of bonds sold, the State would receive the sum of one hundred and ten dollars, and that in this way, upon every million dollars of her bonds sold, she would realize the sum of one hundred thousand dollars to be set apart as a fund for the payment of interest. But for this opinion, zealously contended for, and extensively credited, the bill for an act to establish and maintain a general system of internal improvements could not have passed. So confident were the friends of the bill, of the truth of this position, that all their estimates at the time were based upon it, and they would not admit the possibility of sales at so small a premium as five per cent. which even the opponents of the system were willing to concede might be obtained. The bill having passed into a law under this delusion, it was but a reasonable expectation entertained by the people, that some of the promised benefits should be secured to them in the disposal of the State Bonds. The condition of the country certainly appealed strongly to our agents to exert all their financial skill in negotiating loans upon advantageous terms; the successful prosecution of the system urged it upon them; and a desire to save untarnished the credit and character of the State that had trusted them, ought forever to have forbidden the infliction of such a wound upon her finances.

We have been disappointed. The hopes excited were unfounded and fallacious. Where we expected premiums, losses have been sustained, and we will have to look to other sources, more nearly touching the people, for means of meeting interest which may hereafter accrue. The interest which has heretofore accrued upon Bonds sold for internal improvement purposes, has, the greater part of it, been paid through the agency, of, and with the means furnished by the State Bank of Illinois. During the last year, we have received from that institution in dividends on bank stock the sum of \$165,223 27 cts. exceeding by \$55,000 the annual ordinary revenue of the State. The bank no longer exists. Her charter, by operation of law, has been forfeited, and the Legislature has refused to interfere in her behalf. All reliance upon her dividends for meeting interest is wholly at an end. That fountain is dried up, and a new one has to be opened. Shall it be done by a resort to taxation? The people are not in a condition to bear it. How it is to be supplied, from what source derived, the committee are wholly unable to divine, and fear the Legislature will fully participate in their perplexity. The embarrassed condition of the Treasury, the large amount of interest annually accruing upon the State debt, the heavy taxes already paid by the people; the loss of our best hope for the payment of interest upon Internal Improvement Bonds, by the overthrow of the State Bank; the *certainty* that we must ultimately resort to direct taxation to meet our liabilities, and a sincere desire to protect the interests of the people, by preventing, by all honorable and honest means, the

further accumulation of the public debt, have been the considerations operating upon the minds of the committee in the discharge of the duty assigned them, and they sincerely hope that like motives may stimulate the Legislature to interpose its authority, and repudiate all contracts made in violation of law. That the effect and operation of the contracts will be as stated, the committee entertain no doubt, and that the sales of some of the State Bonds have been under par, they think fully demonstrated.

The committee understand the law which forbids the sale of State bonds below par, to mean nothing more nor less, than that when a bond for a thousand dollars is sold, the State shall receive a thousand dollars for it; that she shall pay but sixty dollars interest per annum thereon, and that when the bond is redeemed it shall require but a thousand dollars to do it; and that if the State receives less, or pays more, it is not a par sale, according either to the spirit or letter of the law. Thus believing, a sense of the duty they owe to their country, and the weighty obligation imposed upon them, faithfully and fearlessly to discharge that duty, would not permit them to pass in silence, contracts made without authority, to be enforced to the great detriment, injury and loss of the State.

The committee recommend for adoption the following joint resolutions:

Resolved by the General Assembly of the State of Illinois, That the contract made in London on the 22d day of August, 1839, by Moses M. Rawlings and Charles Oakley, Fund Commissioners, of the State of Illinois, with John Wright, Banker, Covent Garden, London, on behalf of himself and co-partners, for the hypothecation of Illinois State Bonds to the amount of one million and a half of dollars, is not such a contract as is warranted by the laws of this State, but is in direct contravention of the very laws recited and referred to in the contract. That the said Wright entered into said contract with the laws before him, and that therefore as between said Wright, & Co., and the State of Illinois, the said contract is not either morally or legally binding.

Resolved, That so much of the contract made by M. M. Rawlings and Charles Oakley, Fund Commissioners of the State of Illinois, on the 22d August, 1839, with Thompson and Forman, Iron merchants, London, as authorizes State Bonds to be delivered to them by Wright & Co. as security for the price of Railroad iron purchased of said Thompson & Forman, is not made in conformity with law, and is hereby repudiated.

Resolved, That the contract made by M. M. Rawlings and Charles Oakley, Fund Commissioners of the State of Illinois, with John Delafield, Banker, New York, on the 7th day of May, 1839, for the sale of two hundred and eighty-three State Bonds, for one thousand dollars each, is not made in conformity with law, and is hereby repudiated.

Resolved, That the Secretary of State be directed to transmit to John Wright, Thompson & Forman, and John Delafield, respectively, copies of the foregoing resolutions. Which were read, and,

On motion of Mr. Bostick,

Laid on the table, and

Ordered to be printed.

Mr. Hacker, from the committee on Internal Improvements, to which was referred a bill for "An act for the benefit of Stark county," reported the same back without amendment.

Ordered to be engrossed and read a third time.

On motion of Mr. Hamlin,

The rule of the Senate was dispensed with, said bill read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

Mr. Fithian, from the select committee, to which was referred a bill from the House of Representatives, entitled "An act fixing the times of holding the spring terms of the Circuit Courts in the counties of Coles and Champaigne, and authorizing an additional term of the Circuit Courts of Vermilion and Edgar," reported the same back with sundry amendments; which were severally read and concurred in.

Ordered to a third reading as amended.

Mr. Witt offered the following resolution, viz:

Resolved by the Senate, the House of Representatives concurring herein, That there shall be no new business received in either House after this day the 20th inst.; which was read and adopted.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Mr. Davidson offered the following resolution, viz:

Resolved, That the operation of any of the standing rules of the Senate may be at any time suspended, by a majority of the whole number of Senators elected concurring in ordering such suspension; any thing contained in any of said rules to the contrary notwithstanding; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Davidson, Fithian, Hunter, Little, Markley, Mills, Nunnally, O'Rear, Ross, Servant, Sergeant and Witt—15.

Those who voted in the negative, are,

Messrs. Allen, Browning, Butler, Churchill, Gaston, Gatewood, Gibbs, Greer, Hacker, Hamlin, Harrison, Herndon, Johnston, Mitchell, Moore, Murray, Parrish, Richardson, Stadden, Warren and Weatherford—21.

Mr. Witt offered the following resolution, viz:

Resolved by the Senate, That the regular meeting of the Senate hereafter shall be at 9 o'clock, A. M. of each day, and at 2 o'clock and 7 o'clock, P. M.; which was read and adopted.

Mr. Witt offered the following resolution, viz:

Resolved by the Senate, That ——— copies of the report made by the two committees on the Judiciary of the Senate and House of Representatives, acting as a joint committee, submitted to the Senate this morning, be printed.

Mr. Witt moved to fill the blank with "1,000;" which was agreed to.

And on the question—Shall said resolution, as amended, be adopted?

It was decided in the affirmative.

Mr. Servant, on leave given, introduced a bill entitled "An act to incorporate the Kaskaskia Beet Sugar Manufacturing Company, and Randolph Silk Manufacturing Company;" which was read, and

Ordered to a second reading.

On motion of Mr. Servant,

The rule of the Senate was dispensed with, and said bill referred to the committee on the Judiciary.

Mr. Butler, on leave given, introduced a bill entitled "An act to regulate the distribution of the interest upon school, college and seminary funds;" which was read, and

Ordered to a second reading.

On motion of Mr. Butler,

The rule of the Senate was dispensed with, said bill was read a second time, and referred to the committee on School Lands and Education.

Mr. Greer, on leave given, introduced a bill, entitled "An act to amend an act, entitled 'An act to amend the several acts in relation to common schools,' approved March 4, 1837;" which was read, and

Ordered to a second reading.

On motion of Mr. Greer,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on School Lands and Education.

Mr. Browning, on leave given, introduced a bill, entitled "An act to provide for the settlement of accounts between the State and the State Bank of Illinois;" which was read, and

On motion of Mr. Browning,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Hamlin, on leave given, introduced a bill, entitled "An act to amend an act, entitled 'An act to provide for the election of probate justices of the peace,' approved March 4, 1837;" which was read, and

Ordered to a second reading.

Mr. Richardson, on leave given, introduced a bill, entitled "An act for purposes therein named and for other purposes;" which was read, and

Ordered to a second reading.

On motion of Mr. Richardson,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Elections.

Mr. Harrison, on leave given, introduced a bill, entitled "An act to authorize Charles G. Thomas, to keep a ferry across the Mississippi river;" which was read, and

Ordered to a second reading.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Little, on leave given, introduced a bill, entitled "An act to devise ways and means for enabling members of the Legislature speedily to leave Springfield;" which was read, and

Ordered to a second reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Hacker, on leave given, introduced a bill, entitled "An act in relation to the city of Cairo;" which was read, and

Ordered to a second reading.

On motion of Mr. Hacker,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Finance.

Mr. Gatewood, on leave given, introduced a bill, entitled "An act to provide relief for the poor and to settle the Internal Improvement system;" which was read, and,

Ordered to a second reading.

Mr. Davidson, on leave given, introduced a bill, entitled "An act relating to the system of Public Works;" which was read, and

Ordered to a second reading.

On motion of Mr. Davidson,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Parrish, on leave given, introduced a bill, entitled "An act for the purposes therein named;" which was read, and

Ordered to a second reading.

On motion of Mr. Parrish,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Elections.

Mr. Hamlin, on leave given, introduced a bill, entitled "An act to provide for building fire-proof offices in the several counties in this State;" which was read, and

Ordered to a second reading.

On motion of Mr. Hamlin,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Public Accounts and Expenditures.

Mr. Witt, on leave given, introduced a bill, entitled "An act authorizing the construction of the Central railroad, the Northern Cross railroad, the Illinois and Michigan Canal, and to appropriations on the Great Wabash river;" which was read, and

Ordered to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the Committee on Public Accounts and Expenditures.

Mr. Ross, on leave given, introduced a bill, entitled "An act to amend the revenue laws of this State;" which was read, and

Ordered to a second reading.

On motion of Mr. Ross,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to committee on Public Accounts and Expenditures.

Mr. Stadden, on leave given, introduced a bill, entitled "An act to abolish slavery in the town of Springfield;" which was read, and

Ordered to a second reading.

On motion of Mr. Stadden,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Canals and Canal Lands.

Mr. Greer, on leave given, introduced a bill, entitled "An act to enable the members of this General Assembly to obtain par value for Auditor's warrants;" which was read, and

Ordered to a second reading.

On motion of Mr. Greer,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Public Accounts.

Mr. Parrish, on leave given, introduced a bill, entitled "An act to revive an act in relation to a certain State road;" which was read, and

Ordered to a second reading.

On motion of Mr. Parrish,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Public Roads.

Mr. Gaston, on leave given, introduced a bill, entitled "An act to authorize the county commissioners court of Clinton county to build a bridge;" which was read, and

Ordered to a second reading.

On motion of Mr. Gaston,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Weatherford, on leave given, introduced a bill, entitled "An act for the relief of the Fund Commissioners;" which was read, and

Ordered to a second reading.

On motion of Mr. Weatherford,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Military Affairs.

Mr. Witt, on leave given, introduced a bill, entitled "An act to enable old bachelors to marry;" which was read, and

Ordered to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with.

Whereupon, Mr. Witt moved to lay the same on the table; which was not agreed to.

On motion of Mr. Gatewood,

Said bill was referred to the committee on School Lands and Education.

Mr. Hacker, on leave given, introduced a bill, entitled "An act to regulate trading boats and other pedlars;" which was read, and

Ordered to a second reading.

On motion of Mr. Gatewood,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Finance.

Mr. Blackwell, on leave given, introduced a bill, entitled "An act providing for the completion of the Great Western mail route as contemplated by the law to maintain a general system of Internal Improvements;" which was read, and

Ordered to a second reading.

On motion of Mr. Blackwell,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Internal Improvements.

Mr. Gibbs, on leave given, introduced a bill, entitled "An act to remove the State House to the city of Cairo;" which was read, and
Ordered to a second reading.

On motion of Mr. Gibbs,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to be engrossed, and read a third time.

On motion,

The Senate adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Churchill, on leave given, introduced a bill, entitled "An act in relation to the land granted to this State for the erection of a Penitentiary;" which was read, and

Ordered to a second reading.

On motion of Mr. Churchill,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Penitentiary.

Mr. Churchill, on leave given, introduced a bill, entitled "An act to amend the several acts in relation to common schools;" which was read and

Ordered to a second reading.

On motion of Mr. Churchill,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on School Lands and Education.

Mr. Mitchell, on leave given, introduced a bill, entitled "An act for the benefit of constables;" which was read, and

Ordered to a second reading.

On motion of Mr. Mitchell,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Richardson laid before the Senate the following communication from Alexander Brother & Co., viz:

"Alexander Brother & Co., propose to complete so much of the Northern Cross railroad as lies between Meredosia and Springfield, by the first July 1842, provided the State will furnish the iron plates and spikes necessary to finish so much of said road and necessary for its construction, the said company to use and have all the profits arising from said work until the 1st July 1847. The State to furnish all the locomotives and cars now on said road and owned by the State, free of charge, to said company.

ALEXANDER BROTHER, for
himself and others.

Springfield, Jan. 20, 1840."

Which was read, and,

On motion of Mr. Gatewood,

Referred to the committee on Internal Improvements.

On motion of Mr. Monroe,

The order of business was suspended.

Whereupon, Mr. Monroe presented the petition of sundry citizens of Coles and Shelby counties, for the re-location of a certain road therein named.

On motion of Mr. Monroe,

Said petition was referred to the committee on Public Roads.

Mr. Hacker moved to take up the resolution in relation to Internal Improvements introduced by him some few days since, and laid on the table; which was agreed to.

And the question being taken—Shall said resolution be adopted?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Fletcher, Gaston, Gatewood, Gibbs, Hacker, Harrison, Herndon, Monroe, Parrish, Stadden, Warren, Witt, Woodworth and Wood—14.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Hunter, Johnston, Little, Markley, Mills, Mitchell, Moore, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant and Weatherford—25.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the adoption of the Senate's resolution in relation to receiving new business, as amended by them. The House have amended said resolution by striking out "20th inst." and inserting "21st inst."

The House have further amended said resolution, by adding the following:

And that both Houses of the present General Assembly will adjourn *sine die*, the first Monday in February.

In which amendments, they ask the concurrence of the Senate. And he withdrew.

On motion of Mr. Gatewood,

The message from the House of Representatives, just received, was taken up.

Mr. Gatewood moved to amend the amendment of the House of Representatives, by striking out the "first Monday in February," and inserting in lieu thereof, the "27th of February."

Mr. Witt moved a division of the question.

And the question being first taken on striking out;

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Gatewood, Gibbs, Hacker, Herndon, Johnston, Mitchell, Monroe, Murray, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—17.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Greer, Hamlin, Hunter, Harri-

son, Little, Markley, Mills, Moore, O'Rear, Ross, Servant and Sergeant—23.

And on the question—Will the Senate concur with the House of Representatives in the first amendment?

It was decided in the affirmative.

Mr. Witt moved to reconsider the vote just taken; which was not agreed to.

Mr. Browning moved to amend the second amendment of the House of Representatives by adding "at 8 o'clock, A. M." which was agreed to.

And on the question—Will the Senate concur with the House of Representatives in their amendments as amended?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Bostick, Blackwell, Browning, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Greer, Hacker, Hamlin, Hunter, Harrison, Herndon, Johnston, Markley, Mills, Mitchell, Moore, Monroe, Murray, Nunnally, O'Rear, Parrish, Ross, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—32.

Those who voted in the negative, are,

Messrs. Allen, Borough, Butler, Churchill, Davidson, Little, Richardson and Servant—8.

The orders of the day being taken up, and the bill, entitled "An act to repeal an act to establish and maintain a general system of Internal Improvements," being again under consideration, and the question recurring on the question pending at the time of adjournment on yesterday, which was upon the amendment proposed by Mr. Herndon;

It was decided in the negative.

Mr. Monroe moved to amend said bill, by adding the following:

Provided, however, That a part of the law which authorizes and requires the construction of the central branch road, from Alton to Terre Haute, shall not be repealed; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Gatewood, Hacker, Harrison, Herndon, Moore, Monroe, Nunnally, Parrish, Stadden, Warren and Woodworth—12.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gibbs, Greer, Hamlin, Hunter, Johnston, Little, Markley, Mills, Mitchell, Murray, O'Rear, Richardson, Ross, Servant, Sergeant, Weatherford, Witt and Wood—28.

Mr. Gatewood moved the adoption of the following amendment to said bill, viz:

"Except the road from Shawneetown to Alton."

Mr. Gaston moved to amend the amendment, by adding the following, viz:

"And to cause to be expended on the Great Western mail route, the money heretofore appropriated to that purpose;" which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Blackwell, Gaston, Gatewood, Gibbs, Hacker, Herndon, Monroe, Murray, Parrish, Stadden and Woodworth—11.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Hunter, Harrison, Johnston, Little, Markley, Mills, Mitchell, Moore, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Warren, Weatherford, Witt and Wood—28.

And the question then recurring on the amendment proposed by Mr. Gatewood;

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Fithian, Fletcher, Gatewood, Gibbs, Hacker, Harrison, Herndon, Monroe, Murray, Parrish, Stadden, Woodworth and Wood—14.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Gaston, Greer, Hamlin, Hunter, Johnston, Little, Markley, Mills, Mitchell, Moore, Nunnally, O'Rear, Ross, Servant, Sergeant, Warren, Weatherford and Witt—25.

Mr. Fithian moved to amend said bill, by adding the following, viz:

"And except upon the Northern Cross railroad, and the expenditure upon the appropriations upon the Great Wabash river, Illinois river and Great Western mailroute;" which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Greer, Hacker, Harrison, Herndon, Parrish, Richardson and Stadden—13.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Hamlin, Hunter, Johnston, Little, Markley, Mills, Mitchell, Moore, Monroe, Murray, Nunnally, O'Rear, Richardson, Servant, Sergeant, Warren, Weatherford, Witt, Woodworth and Wood—27.

Mr. Herndon moved the following amendment to said bill, viz:

"*Provided, also,* That nothing herein contained shall be so construed as to allow damages for the right of way to persons where no railroad is completed;" which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Churchill, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Hunter, Harrison, Herndon, Johnston, Little, Mitchell, Moore, Monroe, Murray, Nunnally, Parrish, Richardson, Ross, Stadden, Weatherford, Witt, Woodworth and Wood—29.

Those who voted in the negative, are,

Messrs. Browning, Butler, Davidson, Fithian, Greer, Markley, Mills, O'Rear, Servant, Sergeant and Warren—11.

Mr. Gatewood moved to amend said bill, by adding the following, viz:

"And except so much of the Northern Cross railroad as lies between Quincy and Columbus."

Mr. Fithian moved to amend the amendment, by adding the following, to wit:

"And between Danville and Springfield."

Whereupon, Mr. Little moved the previous question.

And upon the question—Shall the main question be now put?

It was decided in the affirmative.

And on the question—Shall said bill pass as amended?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Butler, Davidson, Gibbs, Hunter, Herndon, Johnston, Markley, Mitchell, Moore, Murray, Nunnally, O'Rear, Richardson, Servant, Sergeant, Stadden, Weatherford and Witt—21.

Those who voted in the negative, are,

Messrs. Allen, Browning, Churchill, Fithian, Fletcher, Gaston, Gatewood, Greer, Hacker, Hamlin, Harrison, Little, Mills, Monroe, Parrish, Ross, Warren, Woodworth and Wood—19.

Mr. Davidson moved to amend the title of said bill, by adding "and all acts amendatory thereto;" which was agreed to.

Ordered, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

On motion,

The Senate adjourned until to-morrow morning at 10 o'clock, A. M.

TUESDAY, JANUARY 21, 1840.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate a communication from the Fund Commissioners, containing a report in pursuance of a resolution of the Senate in relation to the amount of available means for Internal Improvement purposes for the year 1840; which was read.

Mr. Hacker moved to lay said report on the table, and that 1,000 copies be printed for the use of the Senate.

Mr. Gatewood moved to have 5,000 copies of the said report printed; which was not agreed to.

And the question recurring on the motion of Mr. Hacker;

It was decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution, viz:

Resolved, That the joint rules of the two Houses be amended by adding another rule as follows, viz:

Rule. Whenever a report or reports shall hereafter be made by a joint committee of the two Houses, immediately after the reading of such report, it shall be transmitted to the other House, and being there read or its reading dispensed with, it shall be taken by the Clerk or Secretary to the House to which the report was first made.

In the adoption of which resolution they ask the concurrence of the Senate. And he withdrew.

Mr. Harrison presented the petition of the county commissioners of Lee county, in relation to the tax to be paid to the treasurer of said county; which was read, and,

On motion of Mr. Harrison,

Referred to the committee on the Judiciary.

Mr. Warren, from the committee on Canals and Canal Lands, to which was referred a bill, entitled "An act to amend an act, entitled 'An act for the relief of purchasers of Canal lots and lands and for other purposes,' approved March 2, 1839," reported the same back without amendment, and recommended its passage.

Ordered to be engrossed, and read a third time.

Mr. Woodworth from the joint select committee appointed by the two Houses, to investigate the affairs of the State Bank of Illinois and Branches made a report, signed by

J. H. WOODWORTH, as Ch'mn.

W. W. HAPPY,

JOHN MOORE,

Which was read, and,

On motion of Mr. Hacker,

Said report, together with the accompanying documents, were laid upon the table.

Mr. Browning moved to dispense with the order of business; which was agreed to.

On motion of Mr. Browning,

The message just received from the House of Representatives, was taken up;

And on the question—Will the Senate concur with the House of Representatives in the adoption of the resolution?

It was decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Stadden from the select committee to which was referred the bill from House of Representatives, entitled "An act permanently to locate the seat of justice of the county of De Kalb," reported the same back with several amendments thereto; which were read and concurred in.

On motion of Mr. Stadden,

The rule of the Senate was dispensed with, said bill read a third time and passed.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments to said bill.

Mr. Davidson moved to take up the report of the Chairman of the joint select committee appointed to investigate the affairs of the State Bank of Illinois, together with accompanying documents, which was agreed to.

Mr. Stadden moved to reconsider the vote taken upon ordering to be engrossed, a bill, entitled "An act to remove the State House to the city of Cairo;" which was not agreed to.

Mr. Ross moved the adoption of the following resolution, viz:

Resolved, That the committee on Internal Improvements be, and they are hereby required to report a bill, having for its object the further prosecution of the improvement of the navigation of the Great Wabash, Illinois and Rock rivers, and to provide for the prosecution of the work on the Northern Cross railroad, so far as the means of the State will in the opinion of the committee justify.

Mr. Hacker moved to lay said resolution on the table; which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Churchill, Gaston, Gibbs, Hacker, Johnston, Mitchell, Murray, Nunnally, O'Rear, Parrish, Richardson, Servant, Sergeant, Stadden, arren, Weatherford, Witt, Woodworth and Wood—22.

Those who voted in the negative, are,

Messrs. Bostick, Browning, Butler, Davidson, Fithian, Fletcher, Greer, Hamlin, Hunter, Harrison, Herndon, Little, Markley, Mills, Moore, Monroe and Ross—17.

Mr. Hacker moved the adoption of the following resolution, viz:

Resolved, That a joint select committee to consist of two from the Senate and three from the House of Representatives be appointed, with power and authority to proceed to the Bank of Illinois, at Shawncetown, as soon as may be, after the adjournment of the present General Assembly, to examine in the fullest and most ample manner the condition and concerns of that institution, whose duty it shall be, after they have so done, to report to the Governor of this State, who is hereby authorized and required to take thereupon such steps as the public interest may demand.

Reasons, 1st. It is reported that the circulation of said Bank is as eight to one.

2d. That it has recently loaned a fire insurance company at St. Louis \$100,000 at 4 per cent. when they were turning citizens from their doors.

3d. That it has loaned to one man in Philadelphia \$60,000 on his own security.

4th. That the same man owns 1,200 shares of stock and has had all drawn out for a long time, while he has been realizing the difference between 6 and 8 per cent.

5th. That very many of the stockholders of the Bank have drawn out their stocks and are realizing the same profit.

6th. That lately said Bank, for some time refused to let the State Directors take their seats in the Board, until they should take an oath that would have prevented them from all communication with the Governor; which oath, however, they finally relaxed; which was read, and,

On motion of Mr. Davidson,

Was laid on the table.

Mr. Fithian moved the adoption of the following preamble and resolution, viz:

Whereas, The States of Indiana and Illinois have heretofore made appropriations of like sums to be expended in the improvement of the Great Wabash river; *And whereas*, in the appropriations as made by said States for the purpose mentioned, we view as pledged the faith of each State to the other to carry out in good faith the expenditure of the sums of money by them so appropriated: Therefore,

Resolved, That the committee on Internal Navigation, be required to report to the Senate a bill authorizing the expenditure of the amount heretofore appropriated upon the part of Illinois to be expended in conjunction with the State of Indiana in the improvement of the Great Wabash river, any law passed at this session to the contrary notwithstanding.

The question being taken on the adoption of said resolution,
It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Browning, Churchill, Davidson, Fithian, Fletcher, Greer, Hacker, Harrison, Herndon, Mills, Monroe, Nunnally and Stadden—14.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Butler, Gaston, Gibbs, Hamlin, Hunter, Johnston, Little, Markley, Mitchell, Moore, Murray, O'Rear, Parrish, Richardson, Ross, Servant, Sergeant, Warren, Weatherford Witt, Woodworth and Wood—28.

Mr. Monroe moved the adoption of the following resolution, viz:

Resolved by the Senate, the House of Representatives concurring therein, That William Thomas of Morgan county be, and he is hereby, appointed a Commissioner, for the purpose of auditing the accounts, examining the books, documents and vouchers, in any wise connected with the Illinois and Michigan Canal, and that he report thereon to the Legislature at the next session; which was read, and,

On motion of Mr. Monroe,

Laid on the table.

Mr. Herndon moved the adoption of the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of passing a law requiring the plaintiff in each suit at law, equity or otherwise, to pay to the Clerk of the courts fifty cents, which amount shall be paid over to Judges of the Circuit Courts, each Judge to receive the amount collected in the district over which he presides.

The question being taken on the adoption of said resolution;

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Hacker, Herndon, Monroe and Richardson—4.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gibbs, Greer, Hamlin, Hunter, Johnston, Little, Markley, Mills, Mitchell, Moore, Murray, Nunnally, O'Rear, Parrish, Ross, Servant, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—34.

Mr. Davidson moved the adoption of the following resolution, viz:

Resolved, That the committee on Internal Improvements be required to report a bill, sometime since referred to them, entitled "An act authorizing the Board of Public Works to include retained per centage on all work done, and for other purposes," and that they do so without delay; which was read, and,

On motion of Mr. Hacker,

Was laid on the table.

Mr. Browning, on leave given, introduced a bill, entitled "An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois;" which was read, and

Ordered to a second reading.

On motion of Mr. Browning,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

On motion of Mr. Hacker,

Laid on the table, and

Ordered to be printed for the use of the Senate.

Mr. Davidson, on leave given, introduced a bill, entitled "An act incorporating the town of Carmi;" which was read, and

Ordered to a second reading.

On motion of Mr. Davidson,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Woodworth, on leave given, introduced a bill, entitled "An act to increase the Canal fund;" which was read, and

Ordered to a second reading.

On motion of Mr. Woodworth,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Canals and Canal Lands.

Mr. Hamlin, on leave given, introduced a bill, entitled "An act in relation to recorder and probate justice of Peoria county;" which was read, and

Ordered to a second reading.

On motion,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Parrish,

The order of business was suspended.

Whereupon, Mr. Parrish moved the adoption of the following resolution, viz:

Resolved by the Senate, That the Auditor of Public Accounts be requested to lay before the Senate at as early an hour as possible, the amount of rents due from the leases of the Gallatin Salines, if any; also the amount received from said leases since the year 1835, if any. Which was read and adopted.

Mr. Johnston, on leave given, introduced a bill, entitled "An act to revive an act in relation to a State road in the counties of Franklin, Jefferson and Wayne;" which was read, and

Ordered to a second reading.

On motion of Mr. Johnston,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to be engrossed and read a third time.

On motion of Mr. Monroe,

The order of business was suspended.

Whereupon, the report of a part of the joint select committee of both Houses appointed to investigate the affairs of the State Bank of Illinois, as made to the House of Representatives, was read and returned in pursuance of a joint rule of both Houses.

Mr. Churchill, on leave given, introduced a bill, entitled "An act regu-

lating the publication and distribution of the laws and journals of the General Assembly;" which was read, and

Ordered to a second reading.

On motion of Mr. Churchill,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to be engrossed and read a third time.

Mr. Parrish, on leave given, introduced a bill, entitled "An act to recover certain moneys for the use of the State of Illinois;" which was read, and

Ordered to a second reading.

Mr. Richardson moved to dispense with the rule of the Senate, and read said bill a second time by its title; which was not agreed to.

Mr. Fletcher, on leave given, introduced a bill, entitled "An act for the relief of the inhabitants of township 13 north, range 5 west, in Sangamon county;" which was read, and

Ordered to a second reading.

On motion of Mr. Fletcher,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on School Lands and Education.

Mr. Monroe, on leave given, introduced a bill, entitled "An act in relation to the Charlestown Seminary;" which was read, and

Ordered to a second reading.

On motion of Mr. Monroe,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to a select committee.

Ordered, That Messrs. Monroe, Nunnally and Warren, be that committee.

On motion of Mr. Ross,

The bill, entitled "An act to re-locate a certain State road in Pike county;" which was some days since laid upon the table, was taken up, and

Ordered to be engrossed and read a third time.

On motion of Mr. Richardson,

The bill in the message from the House of Representatives, entitled "An act to incorporate the North Western Manufacturing Company," was taken up, read, and

Ordered to a second reading.

On motion of Mr. Richardson,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

On motion of Mr. Hamlin,

The message from the House of Representatives was taken up, and the resolution having for its object the appointment of a joint select committee to proceed to Jacksonville and examine that part of the railroad finished, &c. was read, and,

On motion of Mr. Ross,

The further consideration of the same was indefinitely postponed.

Ordered, That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to incorporate Georgetown in the county of Randolph," was read, and

Ordered to a second reading.

On motion of Mr. Servant,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to a third reading.

The bill from the House of Representatives, entitled "An act to incorporate the Middlesex steam mill Company," was read, and

Ordered to a second reading.

The bill from the House of Representatives, entitled "An act to incorporate the Sangamon Coal Bank Bridge Company," was read, and

Ordered to a second reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, said bill read a second time by its title, and and referred to the committee on the Judiciary.

The resolution requesting the Governor to write to the Hon. R. M. Young, and direct him not to forward to Messrs. Wright & Co., of London, any more State Bonds for sale or otherwise, &c.

Also, the preamble and resolutions in relation to an alteration in the practice of the Land Office Department, so as to give six months public notice previous to the time of bringing any public lands into market. Also, the preamble and resolutions in relation to surveying and sub-dividing township 5 north, range 14 west, and that the same should be disposed of for the purpose of improving the Great Wabash river. Also, the preamble and resolutions in relation to an appropriation of \$300,000 for the improvement of the Mississippi river upon the Des Moines and Rock Island rapids—Were severally read and concurred in.

Ordered, That the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to resurvey a portion of the State road leading from Decatur to Danville," was read, and

Ordered to a second reading.

The bill from the House of Representatives, entitled "An act supplemental to an act to incorporate the Bainbridge Academy, approved March 2, 1839, was read, and

Ordered to a second reading.

On motion of Mr. Parrish,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to a third reading.

On motion,

The Senate adjourned until to-morrow morning at 10 o'clock, A. M.

WEDNESDAY, JANUARY 22, 1840.

Senate met pursuant to adjournment.

Mr. Borough, from the committee on Public Roads, to which was referred a bill, entitled "An act to relocate a State road from Charlestown

to Andrew Wilson's in Macon county," reported the same back without amendment and recommended its passage.

And on the question—Shall said bill pass?

It was decided in the affirmative.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

A message from the Council of Revision, by Mr. Hubbard, their Secretary:

Mr. Speaker: The Council of Revision have directed me to make the following report:

COUNCIL CHAMBER, Jan. 21, 1840.

The Council of Revision have had under consideration "An act entitled an act to authorize Allen P. Hubbard to build a mill dam across Fox river," and return the same as improper to become a law, for the following reasons:

The third section of the act repeals all acts heretofore passed authorizing the construction of dams across Fox river, unless the proprietors thereof shall, within one year from the passage of the act, construct a down stream slope in their dams, as set forth in the second section of this act. This provision, the Council is of opinion, is a violation of the rights of those individuals who have erected dams across Fox river, under prior laws of the Legislature, imposing no such condition upon the right to construct the dams, which they may have erected, as is imposed by this act. Whether Fox river is a navigable stream or not, under the ordinance, is a mixed question of law and fact, and until it is decided by the competent authority to be a navigable stream, mill dams erected across it under the authority of prior acts of the Legislature, cannot be interfered with or declared unlawful.

THO. CARLIN,
WM. WILSON,
THO. C. BROWNE,
THEO'S. W. SMITH,
SAM'L. D. LOCKWOOD.

And he withdrew.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act to incorporate the Kaskaskia Beet Sugar Manufacturing Company, and Randolph Silk Manufacturing Company," reported the same back, with an amendment; which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

A message from the House of Representatives, by I. S. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate, that they have passed bills of the following titles, viz:

"An act relative to the election of members of Congress:"

"An act fixing the time of holding the Circuit Courts in Jersey county;"

"An act concerning sheriffs, coroners, constables, justices of the peace, and probate justices of the peace."

In the passage of which said several bills they ask the concurrence of the Senate.

They have concurred with the Senate in their amendments to a bill for "An act to authorize and require school commissioners of Sangamon county to pay over certain school funds to the school commissioners of Menard, Logan, and Dane counties."

They have also concurred with the Senate in their amendment to a resolution fixing the time of adjourning *sine die* on the first Monday of February next, &c.

I am also directed by the House of Representatives to transmit the report of James H. Woodworth, Wm. W. Happy and John Moore, members of the joint select committee, appointed to investigate the charges preferred against the State Bank of Illinois; also, the report of Richard Murphy of the same committee upon the same subject. And he withdrew.

Mr. Wood, from the committee on Petitions, to which was referred the petition of sundry citizens of Morgan county, praying to be attached to Cass county, reported the same back, and asked to be discharged from the further consideration of the subject.

On motion of Mr. Little,

Said petition was laid on the table.

Mr. Hacker, from the committee on Internal Improvements, to which had been referred a bill, entitled "An act for the benefit of Morgan county," reported the same back with sundry amendments thereto; which were severally read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Little, from the committee on the Judiciary, to which had been referred a bill, entitled "An act to amend an act, entitled 'An act concerning justices and constables,' approved February 3, 1827," reported the same back, without amendment, and asked to be discharged from the further consideration of the same.

Mr. Woodworth moved to lay the same on the table; which was not agreed to.

Whereupon,

On motion of Mr. Little,

The further consideration of said bill was indefinitely postponed.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act to authorize Shelton L. Hall and others, to establish a ferry across Rock river," reported the same back with an amendment; which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Gatewood, from the committee on Internal Improvements, to which was referred a resolution authorizing the committee on Internal Improvements to inquire into the amount due to contractors, reported the same back with an amendment. They amend by striking out all after the word "Resolved," and insert the following:

"That the Governor be requested to cause to be paid over to the Fund Commissioners the interest due on a loan made from the Internal Improvement fund to the Canal fund, as soon as practicable.

And on the question—Will the Senate concur with the committee in their report?

It was decided in the affirmative.

A message from the House of Representatives, by Mr. Marshall:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate that they have passed a bill for "An act concerning judgments and executions, approved January 17, 1825."

In the passage of which bill, they ask the concurrence of the Senate. And he withdrew.

Mr. Gatewood, from the committee on Internal Improvements, to which was referred a bill entitled "An act for the relief of contractors on the public works of this State," together with the proposed amendment thereto, reported the same back with an additional amendment.

And the question recurring on concurring with the committee in their report,

Mr. Hacker called for a division of the question;

And the question being on the adoption of the amendment proposed by Mr. Woodworth,

Mr. Herndon moved to fill the blank with \$500; which was not agreed to.

Mr. Stadden moved to fill the blank with \$100; which was decided in the negative.

Mr. Ross moved to fill the blank with \$200; which was not agreed to.

Mr. Woodworth moved to fill the blank with \$300; which was decided in the negative.

Mr. Gaston moved to insert the following, viz:

"In as small amounts as the one fourth part due each contractor if they request it, but not less than one fourth part;" which was not agreed to.

Mr. Woodworth moved to fill the blank with \$400; which was decided in the negative.

The question then recurring on the adoption of the proposed amendment,

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Browning, Butler, Davidson, Fithian, Gaston, Hunter, Herndon, Little, Markley, Mills, Nunnally, O'Rear, Richardson, Ross, Stadden, Warren and Woodworth—19.

Those who voted in the negative, are,

Messrs. Allen, Blackwell, Churchill, Fletcher, Gatewood, Gibbs, Greer, Hacker, Harrison, Johnston, Mitchell, Moore, Monroe, Murray, Parrish, Servant, Sergeant, Weatherford, Witt and Wood—20.

And on the question—Will the Senate concur with the committee in their amendment?

It was decided in the affirmative.

And on the question—Shall said bill pass?

It was decided in the affirmative.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate that they have adopted the following resolution, viz:

Resolved by the General Assembly, That it shall be the duty of the Secretary of the State to distribute with the laws and journals of the present session, one copy of the laws of the United States to each county, to be kept in the office of the county commissioners' courts.

In the passage of which resolution they ask the concurrence of the Senate. And he withdrew.

Mr. Browning, from the committee on the Judiciary, to which was referred a bill entitled "An act to amend the law in relation to change of venue," reported the same back with an amendment; which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Stadden moved to reconsider a vote taken on yesterday, on concurring with the House of Representatives in the passage of a joint resolution requesting the Governor to write to the Hon. R. M. Young, directing him not to forward to Messrs. Wright & Co., of London, any more State Bonds for sale or otherwise, &c.; which was agreed to.

Whereupon,

On motion of Mr. Gatewood,

Said resolution was laid on the table.

Mr. Monroc, from the select committee, to which was referred a bill, entitled "An act in relation to the Charlestown Seminary," reported the same back without amendment.

Ordered to be engrossed and read a third time.

Mr. Hamlin moved to take up a bill, which was laid on the table some few days since, entitled "An act to establish a ferry across the Illinois river;" which was agreed to.

Whereupon, Mr. Hamlin moved to amend said bill by adding the following additional section, viz:

SEC. 13. In addition to the amount required to be paid by the said Wm. L. May, by the provisions of the eighth section of this act, he shall cause to be expended upon that part of the Springfield and Peoria road, lying between the Illinois river and the top of the Bluff, the sum of fifty dollars annually, for which he is to file vouchers, for the actual expenditure with the board of trustees of the town of Peoria, on or before the first Monday in September, in each year; which was decided in the affirmative.

On the question—Shall said bill pass?

It was decided in the affirmative.

On motion of Mr. Hacker,

The resolution yesterday laid on the table, in relation to the Bank of Illinois, was taken up;

And on the question—Shall said resolution be adopted?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Blackwell, Gaston, Gatewood, Hacker, Johnston, Markley, Richardson, Stadden, Warren, Weatherford, Witt and Woodworth—12.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gibbs, Greer, Hamlin, Hunter, Harrison, Little, Mills, Mitchell, Moore, Monroe, Murray, Nunnally, O'Rear, Parrish, Ross, Servant, Sergeant and Wood—27.

On motion,

The Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

A message from the Governor, by A. P. Field, Secretary of State:

Mr. Speaker: I am directed by the Governor to lay before the Senate, a communication in writing. And he withdrew.

Mr. Speaker laid before the Senate the report of Richard Murphy, a member of the joint select committee, appointed to investigate the condition and affairs of the State Bank of Illinois, &c; which was read and transmitted to the House of Representatives in pursuance of a joint resolution of both Houses.

Mr. Speaker announced that the communication just received from the Governor was on Executive business.

Whereupon, the doors were closed.

And upon the opening of the doors,

On motion,

The Senate adjourned until to-morrow at 10 o'clock, A. M.

THURSDAY, JANUARY 23, 1840.

Senate met pursuant to adjournment.

Mr. Borough, from the committee on Public Roads, to which was referred a resolution in relation to giving the county commissioners' courts discretionary power in the appointment of viewers, reported a bill, entitled "An act in relation to the appointment of road viewers;" which was read, and

Ordered to a second reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, said bill read a second time, and

Ordered to be engrossed, and read a third time.

Mr. Hamlin, on leave given, introduced the petition of Elizabeth Hall and others, praying the right to sell real estate.

On motion of Mr. Browning,

Laid on the table.

Mr. Borough, from the committee on Roads, to which was referred the petition of Darius Phelps, Richard Ratliff and others, praying the legalizing of so much of the State road from Pekin to Washington as lies east of the range line between town 25 north, range 3 and 4 west of the third principal meridian, and west of the bridge near Richard Ratliff's,

reported a bill, entitled "An act legalizing the State road between Washington and Pekin;" which was read, and

Ordered to a second reading.

On motion of Mr. Mitchell,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to be engrossed and read a third time.

Mr. Little, from the committee on the Judiciary, to which was referred the bill from the House of Representatives, entitled "An act to incorporate the Sangamon Coal Bank Bridge Company," reported the same back, with an amendment; which was read and concurred in.

Ordered to a third reading, as amended.

Mr. Browning, from the committee on the Judiciary, to which was referred the bill from the House of Representatives, entitled "An act to incorporate the North Western Manufacturing Company," reported the same back, with sundry amendments; which were severally read and concurred in.

Ordered to a third reading, as amended.

Mr. Little, from the committee on the Judiciary, to which was referred a bill, entitled "An act to make evidence of a certain edition of the Illinois statutes therein named," reported the same back with sundry amendments.

Mr. Hacker moved the indefinite postponement of said bill, together with the proposed amendments of the committee; which was decided in the affirmative.

Mr. Davidson, from the committee on the Judiciary, to which was referred a bill, entitled "An act supplementary to an act, entitled 'An act relative to wills and testaments, executors and administrators, and the settlement of estates,'" reported the same back without amendment, and asked to be discharged from the further consideration of said bill.

On motion of Mr. Davidson,

The further consideration of said bill was indefinitely postponed.

Mr. Hacker, from the committee on Internal Improvements, reported the following resolution, viz:

Resolved, That the Governor be requested to lay before the Senate any information in his possession, if any, in relation to the Bank of Illinois at Shawneetown, which may have been received since the date of his message in relation to said Bank; which was read, and adopted.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate, that they have passed the following resolution, viz:

Resolved by the General Assembly of Illinois, That the memorial of John Van Horn be referred to the Board of Public Works, with instructions to make such indemnification as may appear to be just.

In the passage of which resolution, they ask the concurrence of the Senate. And he withdrew.

On motion of Mr. Richardson,

The message just received from the House of Representatives, was taken up, and the resolution contained in said message in relation to the memorial of John Van Horn, was read and concurred in.

Ordered, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Browning,

The bill, entitled "An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois," some days since laid on the table, was taken up, and,

On motion of Mr. Browning,

Referred to the committee of the Whole Senate, and made the order of the day for to-day.

Mr. Monroe moved to reconsider the vote taken on yesterday, on the resolution in relation to the Bank of Illinois; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Fletcher, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Hernndon, Johnston, Markley, Monroe, Richardson, Servant, Stadden, Warren, Weatherford and Woodworth—16.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hunter, Harrison, Little, Mills, Mitchell, Moore, Murray, Nunnally, O'Rear, Parrish, Ross, Sergeant, Witt and Wood—24.

On motion of Mr. Stadden,

The bill, entitled "An act to authorize Allen P. Hubbard to build a mill dam across Fox river," together with the objections of the Council of Revision to the passage of said bill, was taken up.

Mr. Stadden moved to amend said bill, by striking out the third section thereof; which was agreed to.

And on the question—Shall said bill be repassed, as amended?

It was decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill, as amended.

On motion of Mr. Hamlin,

The bill, entitled "An act to provide for holding an additional term of the Circuit Court in the county of Peoria," was taken up;

And on the question—Will the Senate concur with the House of Representatives in their amendment to said bill?

It was decided in the negative.

Ordered, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Nunnally,

The bill from the House of Representatives, entitled "An act fixing the times of holding the spring terms of the Circuit Courts in the counties of Coles and Champaigne, and authorizing an additional term of the Circuit Courts of Vermilion and Edgar," was read a third time, as amended, and passed.

On motion of Mr. Fithian,

The title of said bill was so amended as to make it read, "An act giving the counties of Vermilion and Edgar, an additional term of the Circuit Courts."

Ordered, That the title be as amended, and that the Secretary inform

the House of Representatives thereof, and ask their concurrence in the amendment to said bill.

On motion of Mr. Servant,

The bill from the House of Representatives, entitled "An act to change the name of the Kaskaskia Insurance Company;" was taken up, read, and

Ordered to a second reading.

On motion of Mr. Servant,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to a third reading.

The engrossed bills, entitled

"An act to legalize the change of certain State roads therein named;"

"An act in relation to the Court House in the county of La Salle;"

"An act to incorporate the city of Springfield;"

"An act to amend an act regulating the publication and distribution of the laws and journals of the General Assembly;"

"An act to revive an act in relation to the State road in the counties of Franklin, Jefferson and Wayne;"

"An act to relocate a certain State road in Pike county;"

"An act to authorize Shelton L. Hall and others to establish a ferry across Rock river;"

"An act to incorporate the Kaskaskia Beet Sugar Manufacturing Company and Randolph Silk Manufacturing Company;"

Were severally read and passed.

Ordered, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bills.

The engrossed bill, entitled "An act to amend the acts concerning practice," was read a third time;

And on the question—Shall said bill pass?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Harrison, Little, Mills, Moore, Murray, O'Rear, Ross, Servant and Sergeant—19.

Those who voted in the negative, are,

Messrs. Bostick, Gaston, Gatewood, Gibbs, Hacker, Hunter, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth, Wood and Mr. Speaker—20.

The engrossed bill, entitled "An act for the benefit of Morgan county," was read a third time;

And on the question—Shall said bill pass?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Churchill, Davidson, Fletcher, Hacker, Hunter, Harrison, Johnston, Little, Moore, Murray, Nunnally, O'Rear, Richardson, Sergeant, Stadden, Weatherford and Witt—19.

Those who voted in the negative, are,

Messrs. Blackwell, Browning, Butler, Fithian, Gaston, Gatewood,

Gibbs, Greer, Hamlin, Herndon, Markley, Mills, Mitchell, Monroe, Parrish, Ross, Servant, Warren, Woodworth and Wood—20.

On motion,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Browning,

The Senate resolved itself into a committee of the Whole, for the purpose of taking into consideration the bill, entitled "An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois; Mr. Harrison in the Chair. And after some time spent therein,

Mr. Speaker resumed the Chair, and

Mr. Harrison reported, that the committee, according to order, had had under consideration said bill, and have made some progress therein, and directed me to report the same to the Senate, and ask leave to sit again; which was agreed to.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill of the following title, viz:

"An act attaching a part of Tazewell county to Logan county." And he withdrew.

On motion,

The Senate adjourned until to-morrow morning at 10 o'clock.

FRIDAY, JANUARY 24, 1840.

Senate met pursuant to adjournment.

Mr. Hacker moved to take up the resolutions contained in the report from the Judiciary committees of the two Houses acting as a joint committee, to whom was referred all contracts made by the Fund Commissioners, and for the Illinois and Michigan Canal, together with the accompanying documents; which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Harrison, Herndon, Johnston, Mitchell, Monroe, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth, Wood and Mr. Speaker—21.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Hunter, Little, Markley, Mills, Moore, Murray, O'Rear, Ross, Servant and Sergeant—20.

Mr. Gatewood moved to refer the same to the committee on Internal Improvements.

Mr. Browning called for a division of the question.

And the question being first taken on referring the documents accompanying said report, to the committee on Internal Improvements;

It was decided in the affirmative.

And on the question—Shall said resolutions, contained in said report, be referred to the same committee?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Harrison, Herndon, Johnston, Mitchell, Monroe, Parrish, Richardson, Stadden, Warren, Weatherford, Woodworth and Wood—18.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Hunter, Little, Markley, Mills, Moore, Murray, Nunnally, O'Rear, Ross, Servant, Sergeant and Witt—22.

On motion of Mr. Davidson,

Said resolutions were laid on the table.

Mr. Monroe moved to suspend the order of business; which was not agreed to.

On motion,

The Senate adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Herndon moved to reconsider the vote taken on yesterday, on the passage of the bill, entitled "An act for the benefit of Morgan county;" which was agreed to.

On motion of Mr. Weatherford,

Said bill was laid on the table.

On motion of Mr. Browning,

The Senate again resolved itself into a committee of the Whole, for the purpose of taking into consideration the bill, entitled "An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois;" Mr. Harrison in the Chair. And after sometime spent therein,

Mr. Speaker resumed the Chair, and

Mr. Harrison reported, that the committee, according to order, had had said bill under consideration, and made some amendments thereto, in which amendments they ask the concurrence of the Senate.

And on the question—Will the Senate concur?

On motion of Mr. Browning,

A division of the question was had, so as to take the question on the amendment of each section separately.

And on the question—Will the Senate concur with the committee in their amendment to the first section?

Mr. Fletcher moved to amend the same by adding the following proviso, viz:

"*Provided*, Such purchase of Iron is made in compliance with the law to establish and maintain a general system of Internal Improvement."

And the question being taken on the amendment to the amendment,

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Bostick, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harrison, Herndon, Johnston, Mitchell, Nunnally, Parrish, Richardson, Servant, Stadden, Warren, Weatherford, Witt and Mr. Speaker—21.

Those who voted in the negative, are,

Messrs. Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hunter, Little, Markley, Mills, Moore, Monroe, Murray, O'Rear, Ross, Sergeant, Woodworth and Wood—20.

And on the question—Will the Senate concur in said amendment of the committee as amended by the Senate?

It was decided in the affirmative.

The question then recurring on the amendments of the committee to the fourth section of said bill,

Mr. Gatewood moved to amend the amendment by adding the following proviso, to-wit:

"*Provided*, That after a careful estimate of the damages due to contractors it shall appear that the completion of any contract will not exceed the damages on such suspension, iron excepted, more than ten per cent., then and in that case such work shall be completed;" which was not agreed to.

Those who voted in the affirmative, are,

Messrs. Allen, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Harrison, Herndon, Mitchell, Monroe, Parrish, Richardson, Stadden, Warren, Witt, Woodworth and Wood—18.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Greer, Hamlin, Hunter, Johnston, Little, Markley, Mills, Moore, Murray, Nunnally, O'Rear, Ross, Servant, Sergeant and Weatherford—22.

The question again recurring on the amendment of the committee to said section;

It was decided in the affirmative.

And on the question—Will the Senate concur with the committee in their amendments to the 5th section of said bill?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Davidson, Gaston, Gatewood, Gibbs, Hacker, Hunter, Johnston, Little, Mills, Mitchell, Moore, Murray, Nunnally, O'Rear, Parrish, Servant, Warren, and Wood—22.

Those who voted in the negative, are,

Messrs. Browning, Butler, Churchill, Fithian, Fletcher, Greer, Hamlin, Harrison, Herndon, Markley, Monroe, Richardson, Ross, Sergeant, Stadden, Weatherford, Witt, and Woodworth—18.

And the question again recurring—Will the Senate concur with the committee in their amendments to the 8th section of said bill?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Churchill, Davidson, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Hunter, Herndon, Mark-

ley, Mitchell, Moore, Monroe, Murray, Nunnally, O'Rear, Ross, Sergeant, Weatherford, Witt and Wood—25.

Those who voted in the negative, are,

Messrs. Browning, Butler, Fithian, Greer, Hamlin, Harrison, Johnston, Little, Mills, Parrish, Richardson, Servant, Stadden, Warren and Woodworth—15.

And on the question—Will the Senate concur with the committee in their amendment to the 9th section of said bill?

It was decided in the affirmative.

The question then recurring on ordering the bill to be engrossed, as amended, and read a third time;

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Gibbs, Greer, Hamlin, Hunter, Herndon, Little, Markley, Moore, Murray, Nunnally, O'Rear, Ross, Servant, Sergeant, Weatherford and Witt—23.

Those who voted in the negative, are,

Messrs. Allen, Fithian, Fletcher, Gaston, Gatewood, Hacker, Harrison, Johnston, Mills, Mitchell, Monroe, Parrish, Richardson, Stadden, Warren, Woodworth and Wood—17.

On motion,

The Senate adjourned until 10 o'clock to-morrow, A. M.

SATURDAY, JANUARY 25, 1840.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, viz:

"An act to locate the county seat of Stark and extend the limits of said county;"

"An act in relation to the State Bank of Illinois;" and

"An act to change the name of the county of Dane to that of Christian;"

In the passage of which said several bills they ask the concurrence of the Senate.

They have also concurred with the Senate in the passage of bills of the following titles, viz:

"An act to authorize the Auditor to enter a credit upon a judgment against Robert Davis;" and

"An act to establish insurance offices in Morgan, Scott and Pike counties."

The House of Representatives have refused to recede from their amendment to a bill for "An act to provide for holding an additional term of the Circuit Court in the county of Peoria. And he withdrew.

The engrossed bill, entitled "An act to remove the State House to Cairo," was read,

Whereupon, Mr. Ross moved to amend the bill as follows, by inserting after the enacting clause:

"The times of holding the Circuit Courts in the counties of Jersey, Cass and Scott, shall hereafter be as follows:

In the county of Jersey on Thursday before the first Monday in May and November. In the county of Cass, on Thursday before the fourth Monday in May, and first Monday in October. In the county of Scott on the fourth Monday in May and first Monday in October, and all causes depending in said Courts respectively, shall stand for trial at the times aforesaid, and all process which has been or may be issued returnable to the terms as heretofore fixed by law, shall be deemed and held to be returnable at the terms fixed by this act, and all recognizances or obligations required to be complied with in the said courts at the terms heretofore provided for, shall be deemed and held as recognizances or obligations to be complied with at the terms fixed by this act."

And on the question—Shall the bill pass as amended?

It was decided in the affirmative.

Mr. Ross moved to amend the title, so as to make it read as follows:

A bill for "An act changing the time of holding Circuit Courts in Jersey, Cass and Scott counties;" which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Harrison, Herndon, Little, Markley, Mitchell, Moore, Murray, Parrish, Ross, Servant, Sergeant, Warren, Weatherford, Witt and Woodworth—25.

Those who voted in the negative, are,

Messrs. Blackwell, Gaston, Gibbs, Hacker, Hamlin, Hunter, Johnston, Nunnally, Richardson, Stadden and Wood—11.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The engrossed bill, entitled "An act to amend the law in relation to the change of venue," was read a third time;

And on the question—Shall said bill pass?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Bostick, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gibbs, Greer, Hamlin, Harrison, Johnston, Little, Markley, Moore, Murray, Richardson, Ross, Servant, Sergeant, Stadden, Warren, Weatherford, Witt and Woodworth—27.

Those who voted in the negative, are,

Messrs. Borough, Blackwell, Hacker, Hunter, Herndon, Mitchell, Nunnally, Parrish and Wood—9.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

Mr. Monroe, from the committee on Engrossed Bills, reported as correctly enrolled, bills of the following titles, viz:

"An act to establish insurance offices in Morgan, Pike and Scott counties;"

"An act to authorize John A. Clark to build a bridge across the Pickatonic;"

"An act attaching a portion of Tazewell county to Logan county."

And subsequently, Mr. Monroe reported that said bills had, on this day, been laid before the Council of Revision.

The engrossed bill, entitled "An act to amend an act, entitled 'An act for the relief of purchasers of Canal lots and lands and for other purposes,' approved March 2, 1839," was read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

On motion of Mr. Browning,

The order of business was suspended.

Whereupon, Mr. Browning, from the committee on the Judiciary, to which was referred the resolution in relation to the office of Clerks of the Circuit Courts in this State, reported the same back and amended said resolution, by striking out all after the word "resolved," and inserting in lieu thereof as follows, viz:

"By the Senate, the House of Representatives concurring herein, That our Senators in Congress be instructed, and our Representative requested, to vote for the passage of the bill, recently introduced into the Senate of the United States by the Hon. John C. Calhoun, which provides for the cession of the public lands to the new States, or the bill usually called Mr. Clay's land bill, which once passed both Houses of Congress by a large majority, or for any other measure which in their judgment is most likely to receive the approbation of Congress, and which proposes to dispose of the public lands on principles just to the interests and political rights of the States in which said lands lie."

Mr. Herndon moved to lay the same on the table; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Gibbs, Hacker, Herndon, Stadden, Woodworth and Wood—6.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Greer, Hamlin, Hunter, Harrison, Johnston, Markley, Mitchell, Moore, Murray, Nunnally, O'Rear, Parrish, Ross, Servant, Sergeant, Warren, Weatherford and Witt—29.

And the question recurring on concurring with the committee in their report;

Mr. Hacker called for a division of the question.

And the question being first taken on so much of the resolution as relates to Mr. Calhoun's land bill;

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Greer, Hacker, Hamlin, Hunter, Harrison, Herndon, Johnston, Little, Markley, Mills, Mitchell, Moore, Monroe, Murray, Nunnally, Parrish, Richardson, Ross, Servant, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—39.

The question then being on the adoption of the second proposition in said resolution,

Mr. Davidson moved to amend by adding after the word "States," the words "and should Mr. Calhoun's bill fail, then for;" which was agreed to.

The question being taken on the second proposition, as amended; It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, Ross, Servant and Sergeant—21.

Those who voted in the negative, are,

Messrs. Gaston, Gatewood, Gibbs, Hacker, Hunter, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—18.

And the question then recurring on the adoption of the third and remaining proposition.

Mr. Davidson moved to amend by adding after the word "majority," the words "should this also fail, then;" which was agreed to.

And the question being taken on the adoption of said proposition, as amended;

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gibbs, Greer, Hamlin, Harrison, Johnston, Little, Mills, Moore, Monroe, Murray, Nunnally, Ross, Servant, Sergeant and Witt—25.

Those who voted in the negative, are,

Messrs. Gaston, Gatewood, Hacker, Hunter, Herndon, Markley, Mitchell, Parrish, Richardson, Stadden, Warren, Weatherford, Woodworth and Wood—14.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the adoption of said resolutions.

The engrossed bill, entitled "An act in relation to the appointment of road viewers," was read a third time.

And on the question—Shall said bill pass?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Blackwell, Browning, Butler, Fithian, Hamlin, Hunter, Harrison, Little, Markley, Richardson, Ross, Servant, Stadden and Wood—14.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Churchill, Davidson, Fletcher, Gaston, Gatewood, Gibbs, Greer, Hacker, Herndon, Johnston, Mills, Mitchell, Moore, Monroe, Murray, Nunnally, Parrish, Sergeant, Warren, Witt and Woodworth—24.

The engrossed bill, entitled "An act legalizing the State road between Washington and Pekin;" was read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

A message from the Governor, by A. P. Field, Secretary of State:

Mr. Speaker: I am directed by the Governor to lay before the Senate communications in writing. And he withdrew.

The engrossed bill, entitled "An act in relation to the Charlestown Seminary," was read a third time.

Whereupon, Mr. Hacker moved to amend said bill, by adding the following, viz:

"And the provisions of this act shall apply to the Jonesboro' College in all respects whatever, on condition that a majority of the qualified voters of said town of Jonesboro', shall signify their willingness to the same by a vote of said town, on or before the first day of June next;" which was agreed to.

And on the question—Shall said bill, as amended, pass?

It was decided in the affirmative.

Mr. Monroe moved to amend the title to said bill, by adding the words "and Jonesboro' College;" which was agreed to.

Ordered, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

Mr. Monroe, from the committee on Enrolled Bills, reported as correctly enrolled, "An act to authorize the Auditor to enter a credit upon a judgment against Robert Davis;"

And afterwards reported, that he had this day laid the same before the Council of Revision.

The engrossed bill, entitled "An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois," was read a third time.

Mr. Herndon moved to amend said bill by adding the following as sections 9 and 10, to wit:

SEC. 9. Should any of the present contractors refuse to surrender any of their present contracts, and the money heretofore negotiated for the purpose of carrying on a system of Internal Improvements, should prove insufficient to pay said contractors in the manner prescribed by the Act entitled "An act to establish and maintain a general system of Internal Improvements," passed February 27, 1837; then, and in that case, it shall be the duty of the commissioners of Public Works to draw their draft upon the Fund Commissioner, whenever the amount of work so done by any contractor amounts to ten thousand dollars; and it shall then be the duty of the Fund Commissioner to issue State Bonds to the amount so due such contractor, bearing six per cent. per annum.

SEC. 10. That nothing in this act shall be so construed as to allow damages to persons for the right of way for any railroad, until the same shall be completed.

Mr. Herndon called for a division of the question, so as to have the question taken on each section separately.

The question being taken on the adoption of the 9th section;

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Fletcher, Gatewood, Hacker, Harrison, Herndon' Johnston, Mitchell, Monroe, Parrish, Woodworth and Wood—12.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Gaston, Gibbs, Greer, Hamlin, Hunter, Little, Markley,

Mills, Moore, Murray, Nunnally, Ross, Servant, Sergeant, Stadden, Warren, Weatherford and Witt—26.

On motion,

The Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. McMillan, a Representative:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate that they have refused to concur with them in their amendments to a bill for "An act fixing the times of holding the spring terms of the Circuit Courts in the counties of Coles and Champaigne, and authorizing an additional term of the Circuit Courts of Vermilion and Edgar." And he withdrew.

And the question recurring on the question pending at the time of adjournment, which was on the adoption of the amendment offered by Mr. Herndon as section 10, to the bill, entitled "An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois;" and the vote being taken,

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Bostick, Gatewood, Gibbs, Hacker, Harrison, Herndon, Johnston, Mitchell, Monroe, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt and Woodworth—18.

Those who voted in the negative, are,

Messrs. Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Hamlin, Hunter, Little, Markley, Mills, Ross, Servant and Sergeant—15.

And on the question—Shall said bill, as amended, pass?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Gibbs, Greer, Hamlin, Hunter, Markley, Mills, Moore, Murray, Nunnally, Ross, Servant, Sergeant and Witt—20.

Those who voted in the negative, are,

Messrs. Allen, Fithian, Gaston, Gatewood, Hacker, Harrison, Herndon, Johnston, Little, Mitchell, Monroe, Parrish, Richardson, Stadden, Warren, Weatherford, Woodworth and Wood—18.

A message from the House of Representatives, by Mr. Stapp, a Representative:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate that they have passed a bill for "An act to legalize the acts of certain officers of Henry county, and for other purposes."

In the passage of which bill, they ask the concurrence of the Senate. And he withdrew.

On motion of Mr. Monroe,

The order of business was suspended. And,

On motion of Mr. Monroe,

The bill from the House of Representatives, entitled "An act giving the counties of Vermilion and Edgar an additional term of the Circuit Courts," contained in a message just received from the House of Representatives, was taken up, and

Mr. Monroe moved that the Senate now recede from their amendments to said bill and title; which was decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Hamlin,

The order of business was further suspended. And,

On motion of Mr. Hamlin,

The bill contained in a message from the House of Representatives, entitled "An act to provide for holding an additional term of the Circuit Court in the county of Peoria," was taken up.

Mr. Hamlin moved that a committee of conference be appointed upon the disagreeing vote of the two Houses; which was agreed to.

Ordered, That Messrs. Hamlin and Harrison, be that committee on the part of the Senate, and that the Secretary inform the House of Representatives thereof.

Mr. Speaker laid before the Senate a communication from the Governor, containing his report in relation to the correspondence between Orville Sexton and James C. Sloo, two of the Directors on the part of the State, of the Bank of Illinois, and the President of said Bank; which was read, and,

On motion of Mr. Ross,

Laid on the table.

Mr. Little moved to suspend the order of business; which was not agreed to.

The bill, entitled "An act to provide for the election of a superintendent of common schools throughout the State of Illinois," was read a second time.

Mr. Gibbs moved to amend said bill, by striking out the words "fifteen hundred" and inserting in lieu thereof "one thousand;" which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Davidson, Gaston, Gibbs, Greer, Hunter, Harrison, Johnston, Little, Markley, Mills, Mitchell, Murray, Nunnally, Parrish, Warren, Weatherford, Witt and Wood—21.

Those who voted in the negative, are,

Messrs. Allen, Browning, Butler, Churchill, Fithian, Gatewood, Hacker, Hamlin, Herndon, Moore, Monroe, Richardson, Ross, Servant, Sergeant, Stadden and Woodworth—17.

Mr. Davidson moved to postpone the further consideration of said bill indefinitely; which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Davidson, Fithian, Gaston, Greer, Hunter, Harrison, Johnston, Little, Markley, Mills, Mitchell, Murray, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—24.

Those who voted in the negative, are,

Messrs. Allen, Browning, Butler, Churchill, Gatewood, Gibbs, Hacker, Hamlin, Herndon, Moore, Monroe, Ross, Servant and Sergeant—14.

A message from the Governor, by A. P. Field, Secretary of State:

Mr. Speaker: I am directed by the Governor to lay before the Senate, a communication in writing. And he withdrew.

The bill, entitled "An act to recover certain moneys for the use of the State of Illinois," was taken up, and read a second time, and,

On motion of Mr. Parrish,

Referred to a select committee.

Ordered, That Messrs. Parrish, Johnston and Servant, be that committee.

The bill, entitled "An act to limit the duration of the office of Secretary of State," was read a second time.

Mr. Johnston moved to amend said bill, by striking out all after the enacting clause, and insert the following in lieu thereof, viz:

"That on the first day of February, in the year eighteen hundred and forty, the duration of the office of the present Secretary of State shall expire; at which time, and on the second Monday in December, in the year eighteen hundred and forty-two, and on the second Monday in December every fourth year thereafter—the Governor shall nominate, and by and with the advice and consent of the Senate appoint, a Secretary of State, who shall continue in office until his successor shall be appointed and qualified as required by law: *Provided*, that nothing herein contained shall be so construed as to render any Secretary ineligible to a re-appointment.

Mr. Herndon moved that the Senate now adjourn until Monday morning, at 10 o'clock, A. M.; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Gaston, Gibbs, Hunter, Herndon, Johnston, Richardson, Servant, Witt, and Woodworth—9.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Gatewood, Greer, Hacker, Hamlin, Harrison, Little, Markley, Mills, Mitchell, Moore, Monroe, Murray, Nunnally, Parrish, Ross, Sergeant, Stadden, Warren, Weatherford, and Wood—29.

Mr. Churchill moved to adjourn until Monday morning, nine o'clock; Which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Browning, Butler, Churchill, Davidson, Fithian, Gibbs, Greer, Hamlin, Harrison, Little, Mills, Moore, Murray, Servant, Sergeant and Warren—18.

Those who voted in the negative, are,

Messrs. Bostick, Gaston, Gatewood, Hacker, Hunter, Herndon, Johnston, Markley, Mitchell, Monroe, Nunnally, Parrish, Richardson, Ross, Stadden, Weatherford, Witt, Woodworth and Wood—19.

Mr. Servant moved that the Senate adjourn until Monday morning at one minute before 10 o'clock; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Borough, Browning, Butler, Churchill, Davidson, Fithian,

Gatewood, Gibbs, Greer, Hamlin, Hunter, Harrison, Little, Mills, Moore, Murray, Servant and Sergeant—18.

Those who voted in the negative, are,

Messrs. Allen, Bostick, Gaston, Hacker, Herndon, Johnston, Markley, Mitchell, Monroe, Nunnally, Parrish, Richardson, Ross, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—19.

On motion,

The Senate adjourned until Monday morning at 10 o'clock.

MONDAY, JANUARY 27, 1840.

Senate met pursuant to adjournment.

Mr. Speaker laid before the Senate, a communication from the Auditor of Public Accounts, containing his report in pursuance of a resolution of the Senate, in relation to the amount of rents received from the Gallatin Salines, since the year 1835, &c.; which was read, and

On motion of Mr. Parrish,

Laid on the table.

Mr. Speaker announced that the communication received from the Governor on Saturday last, was upon Executive business.

Whereupon the doors were closed.

And upon the opening of the doors,

Mr. Davidson, from the committee on the Judiciary, to which was referred the bill entitled, "An act incorporating the town of Carmi," reported the same back with an amendment; which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

On motion of Mr. Davidson,

The rule of the Senate was dispensed with, said bill read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

Mr. Harrison from the Committee on the Judiciary, to which was referred the bill entitled, "An act to incorporate the Galena Mining, Smelting, and Hydraulic Company;" reported the same back with an amendment; which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

On motion of Mr. Wood,

The order of business was suspended, and

On motion of Mr. Wood,

The bill from the House of Representatives, entitled "An act in relation to the State Bank of Illinois," was taken up, read the first time, and

Ordered to a second reading.

Mr. Ross moved that the rule of the Senate be dispensed with, and that said bill be now read a second time by its title; which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Hunter, Harrison, Little, Mitchell, Moore, Monroe, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Stadden, Warren, Weatherford and Wood—28.

Those who voted in the negative, are,
Messrs. Bostick, Gaston, Hacker, Herndon, Johnston, Markley, Parrish,
Witt and Woodworth—9.

On motion of Mr. Ross,

Referred to the committee on the Judiciary.

A message from the House of Representatives, by Mr. Berry, their
Assistant Clerk.

Mr. Speaker: I am directed by the House of Representatives to inform
the Senate that they have concurred with them in the passage of bills of
the following titles, viz:

“An act for the benefit of Stark county;”

“An act to change the name of the town of Victoria, in the county of
White, to that of Philipstown;”

“An act fixing the times of holding Courts, in the Sixth Judicial Cir-
cuit;”

“An act for the appointment of an additional Notary Public in the town
of Grafton, in Jersey county, and Pittsfield, in Pike county, and Charles-
town, in Coles county;”

“An act in relation to the Court-house, in the county of La Salle;” and

“An act to amend an act regulating the publication and distribution of
the laws and journals of the General Assembly.”

They have also concurred with the Senate in their amendment to a bill
of the following title, viz:

“An act permanently to locate the seat of justice of the county of De
Kalb.”

And they have concurred with the Senate in re-passing the bill for “An
act to authorize Allen P. Hubbard to build a mill dam across Fox river,”
as amended by the Senate.

They have also appointed a committee of conference, on the disagreeing
vote of the two Houses, on a bill for “An act to provide for holding an ad-
ditional term of the Circuit Court in the county of Peoria.”

The committee on the part of the House, are Messrs. Henderson, Church-
ill and Harlin. And he withdrew.

Mr. Davidson from the committee on the Judiciary, to which was re-
ferred the “Petition of S. H. B. Clarkson, and other citizens of Brown
county, Illinois, praying that Clarkson may be authorized to dispose of cer-
tain Real Estate in the counties of Brown and Schuyler, by lottery, and
ten per cent. of the proceeds thereof be applied to the purposes of educa-
tion,” reported the same back, and asked to be discharged from the further
consideration of said petition; which was agreed to.

On motion of Mr. Davidson,

Said petition was laid on the table.

Mr. Ross from the committee on Public Accounts and Expenditures, to
which was referred the bill entitled “An act to amend the revenue laws of
this State;” reported the same back with an amendment, which was read
and concurred in.

Ordered to be engrossed as amended, and read a third time.

On motion of Mr. Ross,

The rule of the Senate was dispensed with, said bill read a third
time by its title, and passed.

Mr. Ross moved to amend the title so as to make it read, “A bill for an
act to vacate a State road in Pike county;” which was agreed to.

Ordered, that the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

Mr. Harrison from the committee on the Judiciary, to which was referred a bill entitled "An act to authorize Charles G. Thomas to keep a ferry across the Mississippi river;" reported the same back without amendment.

Ordered to be engrossed, and read a third time.

Mr. Richardson moved to take up the resolution some time since laid on the table, in relation to the suspension of specie payments by the State Bank of Illinois; which was not agreed to.

Mr. Monroe, from the committee on enrolled bills, reported as correctly enrolled, the following bills, viz:

"An act to provide for holding an additional term of the Circuit Court in the county of Peoria;"

"An act to amend an act regulating the publication and distribution of the Laws and Journals of the General Assembly;"

"An act relative to the Court House in the county of La Salle;"

"An act for the appointment of an additional Notary Public in the town of Grafton, in Jersey county, Pittsfield, in Pike county, and Charleston, in Coles county;"

"An act to change the name of the town of Victoria, in the county of White, to that of Philipstown."

"An act to authorize Allen P. Hubbard to build a mill dam across Fox River;"

"An act for the benefit of Stark county;"

"An act fixing the time of holding the Circuit Court in the Sixth Judicial Circuit;"

"An act to amend an act to incorporate the Beet Sugar, Silk and Vegetable Oil Manufacturing Company, approved February 27, 1837."

And afterwards reported that he had this day laid the same before the committee of revision.

Mr. Browning, on leave given, introduced the following resolution, viz:

Resolved, That the Fund Commissioners be requested to lay before the Senate, without delay, all correspondence had with, or received from the Atlantic Bank, since the first day of Dec. 1839, in relation to a contract made with said Bank for the sale of State Bonds; and also, all correspondence which they have had with, or received, from any other Bank, corporation, or individual, since the 1st day of December, 1839, with whom contracts have been made for the sale of State Bonds;" which was read and adopted.

On motion of Mr. Davidson,

The order of business was suspended.

On motion of Mr. Davidson,

The messages from the House of Representatives were taken up.

The bill from the House of Representatives, entitled "An act in relation to Lusk Creek," was taken up, and

Ordered to a second reading.

On motion of Mr. Little,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to change part of a State Road, from Naperville, in Dupage county, to Indian Creek in McHenry county, was read, and

Ordered to a second reading.

On motion of Mr. Woodworth,

The rule of the Senate was dispensed with, said bill read a second time by its title, and,

Ordered to a third reading.

The bill from the House of Representatives, entitled "An act to re-locate part of a State Road therein named;" was read, and

Ordered to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

On motion of Mr. Hamlin,

Referred to the committee on Public Roads.

A message from the Council of Revision, by Mr. Hubbard, their Secretary:

Mr. Speaker: I am directed to inform the Senate, that the Council of Revision have approved of acts of the following titles, to wit:

"An act to authorize the Auditor to enter a credit upon a judgment against Robert Davis;"

"An act to establish Insurance offices in Morgan, Pike and Scott counties;"

"An act attaching part of Tazewell county to Logan;"

"An act to authorize Jacob Clark to build a bridge across the Pickatonica."

The bill from the House of Representatives, entitled "An act to authorize owners of blocks in the town of Winnebago, to enclose alleys in said blocks," was read, and

Ordered to a second reading.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act authorizing the re-valuation of Sections Number 16, in certain cases:" was read and

Ordered to a second reading.

On motion of Mr. Servant,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to a third reading.

The bill from the House of Representatives, entitled "An act to legalize the assessment and collection of the revenue, in the counties of Iroquois and Clay, for the year 1839;" was read, and

Ordered to a second reading.

On motion of Mr. Stadden,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

On motion of Mr. Blackwell,

The rule of the Senate was further dispensed with, said bill read a third time and passed.

Ordered, that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act supplemental to an act entitled an act in relation to the office of Recorder, approved January 7, 1829;" was read, and

Ordered to a second reading.

On motion of Mr. Servant,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act to repeal an act, incorporating the Northern Division of the American Bottom;" was read and

Ordered to a second reading.

On motion of Mr. Churchill,

The rule of the Senate was dispensed with, said bill read a second time by its title, and ordered to a third reading.

On motion of Mr. Servant,

The rule of the Senate was dispensed with, said bill read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The resolution contained in the message from the House of Representatives, having for its object the donation of lands from Congress, for the completion of the Mount Carmel and Alton Rail Road; was read, and concurred in.

Ordered, that the Secretary inform the House of Representatives thereof.

The bill entitled "An act to amend an act to incorporate the Beet Sugar, Silk and Vegetable Oil Manufacturing Company," contained in the message from the House of Representatives, together with their amendments to the same, was read,

And on the question—Will the Senate concur with the House of Representatives in their amendments?

It was decided in the affirmative.

Ordered, that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to authorize the Commissioners of the Illinois and Michigan Canal to sell certain lands;" was read, and

Ordered to a second reading.

On motion of Mr. Weatherford,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

On motion of Mr. Stadden,

Referred to the committee on Canals and Canal Lands.

The bill from the House of Representatives, entitled "An act to incorporate the Kishwaukee Bridge Company, at Kishwaukee;" was read, and

Ordered to a second reading.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, and said bill read a second time by its title, and

On motion of Mr. Browning,

Referred to the Committee on the Judiciary.

The bill from the House of Representatives, entitled "An act to extend the time for the location of State roads;" was read, and

Ordered to a second reading.

On motion of Mr. Servant,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

On motion of Mr. Monroe,

The rule of the Senate was further dispensed with, said bill read a third time, and passed.

Ordered, that the Secretary inform the House of Representatives.

The bill from the House of Representatives, entitled "An act to amend an act, entitled an act to amend an act for the relief of the poor," approved February 21st, 1839;" was read, and

Ordered to a second reading.

On motion of Mr. Monroe,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

The bill from the House of Representatives, entitled "An act for the benefit of Louisa Jones." was read,

And on the question—Shall said bill be read a second time?

It was decided in the negative.

Ordered, that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act exempting certain articles from execution, in addition to those already exempt by the laws of this State;" was read, and

Ordered to a second reading.

Mr. Witt moved to dispense with the rule of the Senate, and read said bill a second time by its title; which was not agreed to.

The bill from the House of Representatives, entitled "An act to re-locate parts of a State road in Fayette county;" was read and

Ordered to a second reading.

On motion of Mr. Blackwell,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, that the Secretary inform the House of Representatives hereof.

The bill from the House of Representatives, entitled "An act to vacate the town plat of the town of Washington;" was read, and

Ordered to a second reading.

On motion of Mr. Markley,

The rule of the Senate was dispensed with, said bill read a second time by its title, and

Ordered to a third reading.

The bill from the House of Representatives, entitled "An act to amend

an act incorporating the Calhoun Coal and Mining Company;" was read, and

Ordered to a second reading.

On motion of Mr. Servant,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

On motion,

The Senate adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr Hamlin moved to dispense with the order of business; which was agreed to.

Whereupon, Mr. Hamlin from the committee of conference, on the disagreeing vote of the Houses on the passage of a bill entitled "An act to provide for holding an additional term of the Circuit Court in the county of Peoria;" reported an amendment to said bill.

And on the question—Will the Senate concur with the committee in their report?

It was decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Robert Smith, a Representative.

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have passed a bill of the following title, viz: "An act to incorporate the Alton Foundry, Steam Engine and Machine Manufacturing Company;" in the passage of which bill they ask the concurrence of the Senate. And he withdrew.

On motion of Mr. Little,

The order of business was suspended.

Whereupon, Mr. Little from the Committee on the Judiciary, to which was referred a bill, entitled "An act in relation to the State Bank of Illinois;" reported the same back with an amendment.

Mr. Gatewood moved to amend the amendment proposed by the Committee, by adding the following as an additional section, viz:

"All the provisions of this act so far as they are and can be made applicable to the Bank of Illinois and its Branches, shall be, and they are hereby made applicable to said latter named Bank and its Branches;" which was agreed to.

Mr. Gatewood moved further to amend the proposed amendment, by striking out the 5th section, and inserting the following in lieu thereof, as additional sections, viz:

"That the State Bank of Illinois and the Bank of Illinois shall declare a bonus or tax upon all the stock owned by the State in said banks respectively, from the time of such subscription by the Fund Commissioners, yearly, throughout the existence of said Banks, or either of them, at the rate of one-half per cent. per annum, and the same shall be placed by such Banks, respectively, to the credit of the State, for the use of the Internal Improvement Fund; and the same shall, as it increases, constitute the principal of a Sinking Fund, to re-imburse the interest and principal,

on loans heretofore negotiated for Internal Improvement purposes. And the said Bank shall also pay to the State, for the use aforesaid, for the deposit of such principal, six per cent. per annum; and at the end of every year, it shall be the duty of said banks to add the said interest to the principal, as the said fund may increase; and each succeeding year to calculate interest upon the whole principal and interest, and so on successively, for the period of twenty years; and the State hereby pledges itself to permit the fund herein created, to remain in said Banks, respectively, for the period of twenty years: *Provided*, that such deposits as herein before mentioned shall not be claimed by the Banks aforesaid, after the expiration or forfeiture of either or both of their charters: *And provided, further*, that either or both charters should expire, or become forfeited within twenty years, and the Legislature should revive, or extend the same, then the running of the said deposit shall still continue upon the same principles in this section mentioned.

"That the said State Bank of Illinois shall, within months, from the passage of this act, place in the vaults of said Bank, the sum of one million seven hundred and sixty-five thousand dollars in specie, or its equivalent, as payment for the purchase of so much of State bonds from the Commissioners, under an act to increase the capital stock of certain Banks, and to provide means to pay the interest on a loan authorized by an "An act entitled an act to establish and maintain a general system of Internal Improvements," approved the 4th day of March, 1837; which said payment shall be a payment on the part of the State, for her subscription of two millions of stock to said Bank, under the provisions of the act aforesaid: *Provided*, that no part of the costs, or expenses of doing the same, shall be borne by the State stock; *and provided further*, that if the said sum be raised by the sale of State bonds, held by the said bank, that all the premiums and exchange made, in such operation, to go in the way of general dividend among all the stockholders.

"That hereafter, the said Bank of the State of Illinois and the Bank of Illinois shall be, and they are hereby authorized to receive not exceeding seven per cent. on loans less than six months running, and not exceeding nine per cent. for loans over six months running."

A message from the House of Representatives, by Mr. Stapp, a Representative:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate, that they have passed "An act to amend an act concerning the Public Revenue, approved 26th February, 1839," in the passage of which they ask the concurrence of the Senate. And he withdrew.

On motion,

The Senate adjourned until to-morrow, 10 o'clock, A. M.

TUESDAY, JANUARY 28, 1840.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, viz:

"An act to vacate a part of the town of Circleville;

- "An act to revive certain acts therein named and for other purposes;"
- "An act to vacate the town plats of Jeffersonville, in the county of Edgar, and a part of the town plat of New Quebec in Rock Island county;"
- "An act concerning groceries;"
- "An act to abolish the Board of Public Works, and suspend all action and operation in the construction of railroads;"
- "An act for the relief of certain securities therein named;"
- "An act making school commissioners elective by the people;"
- "An act to amend the several laws in relation to appeals;"
- "An act authorizing Thos. B. Tolcott and others to establish a ferry across Rock river;"
- "An act to amend an act relative to runaway slaves;"
- "An act to authorize the joint agent of Thomas S. Hinde and William McDowell to sell certain lands therein named;"
- "An act in relation to the assessment of taxes in Pope county;"
- "An act authorizing Jesse Blin and Stephen Mack to establish a ferry across the Rock and Pikatoneka rivers;"
- "An act requiring the School commissioners of Cook county to pay over certain moneys to the school commissioners of Will, McHenry, Lake and Du Page counties, or to such other persons as shall be authorized to receive the same;"
- "An act to locate a State road in the county of Washington;"
- "An act to authorize Charles Reed and others to establish a ferry across Rock river;"
- "An act to authorize Scott, Clark and associates to build a free bridge across Fox river;"
- "An act to authorize the persons therein named to build and continue mill dams across the Little Wabash river;"
- "An act to incorporate the Hamilton primary school;"
- "An act to amend the act, entitled 'An act to provide for securing to mechanics and others liens for the value of labor and materials;'"
- "An act to incorporate the town of Macomb;"
- "An act legalizing the survey and plat of the town of Mount Auburn in the county of Dane;"
- "An act supplemental to the act incorporating the seminaries of learning therein named;"
- "An act to incorporate the town of Petersburg in Menard county;"
- "An act in relation to a State road in the counties of Fayette and Marion;"
- "An act to re-locate a part of a State road in De Witt county;"
- "An act to authorize John Hynes to establish and keep a ferry across the Ohio river at Massac, and to locate a road to said ferry;"
- "An act to build a mill dam across the Muddy Fork in Clay county and for other purposes;"
- "An act to amend an act, entitled 'An act to incorporate the Colleges therein named;'"
- "An act to incorporate the St. Clair Steam Mill Company;"
- "An act relative to schools and school lands;"
- "An act in relation to the publication of the reports of the Decisions of the Supreme Court of the State of Illinois;"

"An act for the relief of John G. McHatton;"

"An act to establish a State road from Petersburg in Menard county to Waverley in Morgan county;"

"An act fixing the times of holding the Circuit Courts in the eighth Judicial Circuit;"

"An act to authorize Thomas J. Little and Philo M. Knapp to enclose certain streets and alleys in the town of Canton;"

"An act to incorporate the Montgomery Lyceum;"

"An act to authorize William Smith and John Dinsmoor to build a mill dam across Big Sandy creek;"

In the passage of which bills they ask the concurrence of the Senate.

They have also passed the following resolution, viz:

Resolved by the House of Representatives, the Senate concurring herein, That the two Houses will meet in the Hall of the House of Representatives on Tuesday the 28th inst. at 7 o'clock, P. M., and proceed to the election of a Treasurer of the Board of Canal Commissioners.

In the adoption of which resolution, they ask the concurrence of the Senate. And he withdrew.

Mr. Fletcher, on leave given, moved the adoption of the following order, viz:

That the report of J. H. Woodworth and others, part of a joint select committee appointed to investigate the affairs of the State Bank of Illinois and Branches, together with the accompanying documents, be excluded from the journal, and that the same be printed in the volume of reports, the same as reports from other sources; which was adopted.

And the question recurring on the question pending at the time of adjournment last evening, which was on the adoption of the amendments proposed by Mr. Gatewood to the proposed amendments of the committee on the Judiciary, to the bill from the House of Representatives, entitled "An act in relation to the State Bank of Illinois"—

Mr. Woodworth moved a division of the question so as to take the question on striking out and inserting each proposition separately.

Mr. Little moved a further division of the question, by taking the question first on striking out the 5th section; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Bostick, Gaston, Gibbs, Hacker, Herndon, Johnston, Markley, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt and Woodworth—15.

Those who voted in the negative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Hunter, Harrison, Little, Mills, Mitchell, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant, and Wood—24.

Whereupon, Mr. Davidson moved to amend the amendment proposed by the committee, by adding the following, viz:

"That the Bank shall hereafter charge to the dividends due individual stockholders the one half per cent., required by the 36th section of the "Act to incorporate the subscribers to the Bank of the State of Illinois," approved February 12, 1835, to be paid on the amount of Capital stock

actually paid in by individuals, and that the dividends due the State shall not be charged with any portion of the amount; which was agreed to.

A message from the House of Representatives, by Mr. English, a Representative:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have concurred with them in the passage of a bill for "An act to repeal 'An act to establish and maintain a general system of Internal Improvements,' and all acts amendatory thereto."

They have also concurred with them in the passage of a bill for "An act to establish a ferry across the Illinois river," as amended by them.

In which amendment, they ask the concurrence of the Senate. And he withdrew.

Mr. Hacker moved to amend the amendments proposed by the committee, by adding the following proviso, viz:

"*Provided*, That the same time hereby extended to the Banks to meet their liabilities shall be extended to all other individuals of the State;" which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Gaston, Hacker, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—17.

Those who voted in the negative, are,

Messrs. Allen, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gibbs, Greer, Hamlin, Hunter, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant and Sergeant—22.

Mr. Woodworth moved to further amend the amendments proposed by the committee by adding the following, viz:

"That the State Bank shall forthwith advance a sufficient sum to liquidate and discharge all the present liabilities of the State to canal and railroad contractors, which sum advanced shall not bear interest until the said Bank shall resume specie payments. For the security of the repayment by the State of such sum advanced, there shall be pledged an equal amount of State Bonds at par value, upon which, interest shall not accrue to the Bank; which Bonds shall be redeemed at the end of a year, and in default thereof the said Bonds may and shall be disposed of by said State Bank, and the proceeds thereof applied in satisfaction of the sum advanced by such Bank for the purposes aforesaid: *Provided*, no citizen of this State, against whom the Bank may have heretofore obtained judgments, shall have their property sold under such judgments until said Bank shall resume specie payments."

Mr. Hacker moved a division of the question, so as to have the question taken on the propositions in the amendment proposed by Mr. Woodworth separately; which was agreed to.

And the question recurring—Will the Senate concur in the first proposition contained in the amendment offered by Mr. Woodworth?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Bostick, Herndon, Richardson, Stadden and Woodworth—5.

Those who voted in the negative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Greer, Hacker,

Hamlin, Hunter, Harrison, Johnston, Little, Markley, Mills, Mitchell, Moore, Monroe, Murray, Nunnally, O'Rear, Parrish, Ross, Servant, Sergeant, Warren, Weatherford, Witt and Wood—35.

And the question again recurring—Will the Senate concur in the second proposition contained in the amendment offered by Mr. Woodworth?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Bostick, Gaston, Gatewood, Gibbs, Hacker, Herndon, Johnston, Markley, Mitchell, Murray, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt and Woodworth—18.

Those who voted in the negative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Hunter, Harrison, Little, Mills, Moore, Monroe, O'Rear, Ross, Servant, Sergeant and Wood—22.

Whereupon, Mr. Little moved the previous question.

And on the question—Shall the main question be now put?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fletcher, Greer, Hunter, Harrison, Little, Moore, Monroe, Murray, Ross, Servant, Warren and Wood—19.

Those who voted in the negative, are,

Messrs. Bostick, Fithian, Gaston, Gibbs, Hacker, Hamlin, Herndon, Johnston, Markley, Mills, Mitchell, Nunnally, O'Rear, Parrish, Richardson, Sergeant, Stadden, Weatherford, Witt and Woodworth—20.

Mr. Monroe moved to amend the amendments proposed by the committee, by adding the following, viz:

"It shall be the duty of the Bank to withdraw the Branch at Chicago, and apportion the capital vested there between the other Branches;" which was not agreed to.

Those who voted in the affirmative, are,

Messrs. Allen, Blackwell, Browning, Davidson, Fithian, Greer, Hamlin, Hunter, Harrison, Herndon, Little, Mills, Moore, Monroe, Murray, O'Rear, Parrish, Servant, Sergeant and Wood—20.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Butler, Churchill, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Johnston, Markley, Mitchell, Nunnally, Richardson, Ross, Stadden, Warren, Weatherford, Witt, Woodworth and Mr. Speaker—21.

Whereupon, Mr. Woodworth moved to amend said amendment, by adding the following viz:

"*Provided, however,* That the Branch of the State Bank at Chicago shall be withdrawn therefrom within three months, unless the Cashier thereof shall be removed before the expiration of that period."

On motion,

The Senate adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

The question recurring on the question pending at the time of adjournment, which was on the adoption of the amendment of Mr. Woodworth to the amendment of the Judiciary committee to the bill from the House of Representatives, entitled "An act in relation to the State Bank of Illinois,"

Mr. Herndon moved to lay the amendment of the committee, together with the proposed amendments, upon the table until the 4th July next; which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Bostick, Fithian, Gaston, Gatewood, Gibbs, Hacker, Hunter, Herndon, Johnston, Markley, Mills, Mitchell, Nunnally, O'Rear, Parrish, Richardson, Servant, Sergeant, Stadden, Weatherford, Woodworth and Wood—22.

Those who voted in the negative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Greer, Hamlin, Harrison, Little, Moore, Monroe, Murray, Ross, Servant, Warren and Witt—18.

Mr. Fithian moved to amend the bill by striking out the 8th article of the first section, and inserting the following:

"That the said Bank shall not, after their acceptance of the provisions of this act, suffer any person, firm or House, to become indebted at any one time to the present Bank or either of its Branches, as principal or maker of any promissory note or notes, in a sum greater than ten thousand dollars. That it shall not suffer any person, firm or House, to become indebted to the parent Bank or either of its Branches as security or endorser on promissory notes in a sum greater than ten thousand dollars; and that it shall not suffer any person, firm or House, to become indebted to said Bank or either of its Branches as drawer or endorser of bills of exchange in a sum greater than twenty-five thousand dollars; and in case any person, firm or House, shall at the time of the acceptance of this act by said bank, be indebted to it in any manner greater than is allowed by the preceding limits, said Bank shall proceed to call in said debt by instalments until it shall not exceed the amount stated in this provision." Strike out the 11th article and insert, "after the acceptance of this act, if said Bank shall fail to comply with any of the conditions, restrictions or limitations herein imposed, it shall be liable to be proceeded against, as may now be done for a violation of any of the provisions of the original charter of said Bank."

Mr. Herndon moved a division of the question so as to take the vote first on striking out, which was had;

And was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Fithian, Fletcher, Greer, Hamlin, Hunter, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Richardson, Ross, Servant, Sergeant, Warren, Weatherford, Woodworth and Wood—26.

Those who voted in the negative, are,

Messrs. Bostick, Davidson, Gaston, Gatewood, Gibbs, Hacker, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Stadden and Witt—14.

The question then recurring on inserting the amendments proposed by Mr. Fithian;

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Fithian, Fletcher, Greer, Hamlin, Hunter, Harrison, Mills, Moore, Monroe, Murray, Nunnally, O'Rear, Parrish, Ross, Servant, Sergeant, Warren, Weatherford, Woodworth and Wood—26.

Those who voted in the negative, are,

Messrs. Bostick, Davidson, Gaston, Gatewood, Gibbs, Hacker, Herndon, Johnston, Little, Markley, Mitchell, Richardson, Stadden, and Witt—14.

Mr. Hamlin moved to amend said bill, by adding the following, viz:

"The Directors of the parent Bank shall, within six months from the passage of this act, remove from Chicago the Branch located at that place and establish the same at Peoria;"

Mr. Stadden moved to amend the amendment by striking out the word "Peoria;" which was agreed to.

Mr. Monroe moved to further amend the amendment by adding the following, viz:

"At such other place as the Bank may deem proper;" which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hunter, Harrison, Herndon, Little, Mills, Moore, Monroe, Murray, O'Rear, Parrish, Ross, Servant, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—29.

Those who voted in the negative, are,

Messrs. Bostick, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Johnston, Markley, Mitchell, Nunnally and Richardson—11.

Mr. Woodworth moved to further amend the amendment, by adding the following:

"Or change the Cashier thereof within that period;" which was not agreed to.

The question then recurring on the adoption of the amendment as amended;

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hacker, Hamlin, Hunter, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant, Stadden, Warren, Woodworth and Wood—27.

Those who voted in the negative, are,

Messrs. Bostick, Gaston, Gatewood, Gibbs, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Weatherford and Witt—13.

Mr. Woodworth moved to amend the amendment by adding the following, viz:

"That nothing in this act shall be so construed as to extend the charter of said Bank beyond the first day of January, 1841;" which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Browning, Butler, Fithian, Gaston, Gatewood, Gibbs, Hacker, Hunter, Herndon, Johnston, Little, Markley, Nunnally, Parrish, Richardson, Ross, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—25.

Those who voted in the negative, are,

Messrs. Allen, Blackwell, Churchill, Davidson, Fletcher, Greer, Hamlin, Harrison, Mills, Mitchell, Moore, Monroe, Murray, O'Rear and Servant—15.

Mr. Richardson moved to amend the bill by striking out the tenth article or restriction, from the first section thereof;" which was agreed to.

Those who voted in the affirmative, are,

Messrs. Allen, Bostick, Butler, Churchill, Davidson, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Harrison, Little, Markley, Monroe, Nunnally, Parrish, Richardson, Ross, Witt, Woodworth and Wood—21.

Those who voted in the negative, are,

Messrs. Borough, Blackwell, Browning, Fithian, Fletcher, Greer, Hunter, Herndon, Johnston, Mills, Mitchell, Moore, Murray, O'Rear, Servant, Sergeant, Stadden, Warren, and Weatherford—19.

Mr. Ross then moved to reconsider the vote just taken on the adoption of the amendment proposed by Mr. Woodworth, limiting the charter of the Bank to the 1st day of January, 1841; which was agreed to.

Those who voted in the affirmative, are,

Messrs. Allen, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Hunter, Harrison, Mills, Moore, Monroe, Murray, Nunnally, O'Rear, Ross, Servant, Sergeant, Warren and Wood—23.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Gaston, Gatewood, Gibbs, Hacker, Herndon, Johnston, Little, Markley, Mitchell, Parrish, Richardson, Stadden, Weatherford, Witt and Woodworth—17.

Mr. Ross then moved to amend said amendment, by adding the following, viz:

"*Provided*, The Bank shall not resume specie payments before that day;" which was agreed to.

And the question recurring on the adoption of said amendment as amended,

It was decided in the negative.

Whereupon, Mr. Monroe moved the previous question;

And on the question—Shall the main question be now put; which was on ordering the bill, as amended, to a third reading?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Hunter, Harrison, Little, Mills, Moore, Monroe, Murray, Ross, Servant, Sergeant, Warren and Wood—23.

Those who voted in the negative, are,
Messrs. Bostick, Gaston, Gatewood, Gibbs, Hacker, Herndon, Johnston, Markley, Mitchell, Nunnally, O'Rear, Parrish, Richardson, Stadden, Weatherford, Witt and Woodworth—17.

And on the question—Shall the bill, as amended, be ordered to a third reading?

It was decided in the affirmative.

Those who voted in the affirmative, are,
Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Fletcher, Greer, Hamlin, Hunter, Harrison, Johnston, Little, Mitchell, Moore, Monroe, Murray, Ross, Servant, Sergeant, Warren and Wood—22.

Those who voted in the negative, are,
Messrs. Bostick, Davidson, Fithian, Gaston, Gatewood, Gibbs, Hacker, Herndon, Markley, Mills, Nunnally, O'Rear, Parrish, Richardson, Stadden, Weatherford, Witt and Woodworth—18.

Mr. Hacker, from the committee on Internal Improvements, to which was referred a communication from the Fund Commissioners in relation to contracts made by them for the sale of State Bonds since the 1st day of March 1839, made a report,

Which was read, and,

On motion of Mr. Hacker,

Laid on the table and 1,000 copies ordered to be printed.

Mr. Weatherford moved to suspend the order of business for the purpose of taking up a resolution, contained in a message from the House of Representatives, in relation to the election of a Treasurer of the Board of Canal Commissioners; which was not agreed to.

On motion,

The Senate adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, JANUARY 29, 1840.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk.

Mr. Speaker: I am directed by the House of Representatives to inform the Senate, that they have concurred with the Senate in the passage of the following bills, viz:

“An act changing the time of holding Circuit Courts in Jersey, Cass and Scott counties;”

“An act incorporating the town of Carmi.”

They have also passed a bill of the following title, viz:

“An act regulating the fees of Clerks of the Supreme, Circuit and County Commissioners' Courts:”

In the passage of which they ask the concurrence of the Senate.

They have also concurred with the Senate in the adoption of the resolution instructing our Senators, and requesting our Representatives in Congress to go for Mr. Calhoun's Land Bill, &c.

Mr. Speaker laid before the Senate a communication from the Fund Commissioners, containing their report in pursuance of a resolution of the

Senate, requiring them to lay before the Senate, without delay, all correspondence had with, or received from the Atlantic Bank since the first day of December, 1839, in relation to a contract with said Bank for the sale of State bonds; and also, all correspondence which they have had with or received from any other bank, corporation or individual, since the first day of December, 1839, with whom contracts have been made for the sale of State bonds; which was read, and

On motion of Mr. Hacker,

Laid on the table.

Mr. Churchill, from the committee on School Lands and Education, to which was referred a bill entitled "An act to amend an act in relation to Common Schools;" reported the same back with an amendment, which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

Mr. Borough, from the committee on Public Roads, to which was referred a bill for "An act to revive an act in relation to a certain State road;" reported the same back without amendment.

Mr. Parrish moved to amend said bill by inserting after the enacting clause the following:

"That the rents due from the lessees of the Gallatin Salines, since the first day of December 1834, be, and they are hereby equally apportioned between the Carmi Academy, in White county, the Gallatin Academy in Gallatin county, and the Benton Academy, in Franklin county, to be used for the purposes of Education.

SEC. 2. That the Auditor of Public Accounts be required to ascertain and collect the amount due from said lessees, from the time aforesaid, on or before the first day of June next, and that so soon as the same shall have been collected and received by him, he shall pay over to the President and Trustees of the Academies aforesaid, or their duly authorized agents, each one-third part by him so received.

SEC. 3. That should the aforesaid lessees fail to pay over the rents which shall be found to be due from them on or before the first day of June next, it shall be the duty of the Auditor of Public Accounts, and he is hereby required, to institute suits for the recovery of the same forthwith."

Mr. Warren moved to amend the amendment, by adding the following viz:

"That five hundred dollars be paid to George M. Hanson, for building a bridge over the Kaskaskia river, in Shelby county, out of the rents of the Gallatin Salines; which appropriation shall be in full of an appropriation heretofore made to Shelby county, out of the sales of the Gallatin Saline Lands;" which was agreed to.

Mr. Witt moved to further amend the amendment by adding the following, viz:

"And the Golconda Seminary," which was agreed to.

Mr. Nunnally moved to amend the amendment still further by adding, "and the Paris Seminary, in Edgar county."

Whereupon,

On motion of Mr. Davidson,

The bill, with the proposed amendments, was laid on the table.

Mr. Richardson moved to suspend the order of business, which was agreed to.

Whereupon,

On motion of Mr. Richardson,

The bill from the House of Representatives, entitled "An act in relation to the State Bank of Illinois;" was taken up and read a third time.

Mr. Johnston moved to amend said bill by adding the following proviso, viz:

"*Provided*, that nothing herein contained shall be so construed as to continue the existence of said bank beyond the end of the next session of the Legislature of this State."

Whereupon, Mr. Monroe moved the previous question.

And on the question—Shall the main question now be put?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Hunter, Harrison, Little, Mills, Moore, Monroe, Murray, Ross, Servant and Wood—21.

Those who voted in the negative, are,

Messrs. Bostick, Gaston, Gibbs, Hacker, Herndon, Johnston, Markley, Mitchell, Nunnally, O'Rear, Parrish, Richardson, Sergeant, Stadden, Warren, Weatherford, Witt and Woodworth—18.

And on the question—Shall said bill pass as amended?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Fletcher, Greer, Hamlin, Hunter, Harrison, Little, Mills, Mitchell, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant, Warren and Wood—23.

Those voting in the negative, are,

Messrs. Bostick, Davidson, Fithian, Gaston, Gibbs, Hacker, Herndon, Johnston, Markley, Nunnally, Parrish, Richardson, Stadden, Weatherford, Witt and Woodworth—16.

Ordered, that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments thereto.

Mr. Stadden from the Committee on Canals and Canal Lands, to which was referred a resolution in relation to the expediency of curtailing the number of officers connected with the Illinois and Michigan Canal; also a bill entitled "An act to abolish slavery in the town of Springfield;" reported the same back with an amendment to said bill.

Whereupon,

On motion of Mr. Ross,

Said bill, together with proposed amendment, was referred to the committee of the whole Senate, and made the order of the day for this evening at 7 o'clock.

Mr. Stadden from the same committee, to which was referred two communications from the President of the Board of Canal Commissioners, in relation to the number of officers employed at the Canal Office, at Lockport, and their per diem pay respectively, reported the same back, and asked to be discharged from the further consideration of the same; which was agreed to, and

On motion of Mr. Ross,

Said communications were laid upon the table.

Mr. Parrish from the select committee, to which was referred "An act to recover certain moneys for the use of the State of Illinois;" reported the same back without amendment.

Mr. Johnston moved to amend said bill by striking out all after the enacting clause, and inserting the following in lieu thereof, viz:

"That it shall be the duty of the several officers, provided for by the several acts heretofore passed in relation to a general system of Internal Improvement, to prosecute to final completion the Central Rail Road from the mouth of the Ohio river to the Illinois river, and the Northern Cross Rail Road, from the Illinois river, at the town of Meredosia, to the town of Springfield, any and all laws to the contrary notwithstanding; and all further operations on any or all of the Public Works contemplated in the several acts hereinbefore referred to, and which are not herein enumerated, shall be suspended until the General Assembly of this State shall otherwise order and direct.

SEC. 2. The works provided for in the first section of this act, shall be carried on with the means, and in the manner heretofore contemplated by law: *Provided*, the moneys now on hand, or which shall hereafter be obtained on account of the said general system of Internal Improvement, shall be applied, first, to the payment of all debts and liabilities incurred on account of the same; and secondly, the balance, towards the completion of the said specified works.

SEC. 3. The said Central Rail Road shall be prosecuted in a continuous line from the mouth of the Ohio river to the Illinois, and the said Northern Cross Rail Road shall be prosecuted from the Illinois at Meredosia, to the town of Springfield, as heretofore contemplated by law.

SEC. 4. The Board of Public Works shall cause just and true estimates to be made on all contracts on the works hereby suspended, and make just and true settlements with all contractors on said works so suspended, and shall pay them such sums in the nature of damages as shall be just and right; and they shall make a full and perfect report of all their acts and doings in their behalf to the next General Assembly of this State, and shall see that the interests of the State are protected in all things connected herewith.

SEC. 5. Nothing herein contained shall be so construed as to authorize the loaning of any more money, or the increase of the State debt.

SEC. 6. It shall be the duty of the officers heretofore provided by law to prosecute to completion the State House at Springfield, at as early a period as practicable, consistent with the public interest, any law to the contrary notwithstanding.

Mr. Fithian moved to amend the amendment by striking out "Springfield," and inserting "Danville."

Which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Fithian, Fletcher, Hacker, Harrison, Monroe, Staadden, Weatherford and Wood—9.

Those voting in the negative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Gaston, Gatewood, Gibbs, Greer, Hamlin, Hunter, Johnston, Lit-

tle, Markley, Mills, Mitchell, Moore, Murray, Nunnally, O'Rear, Parrish, Ross, Servant, Sergeant, Warren, Witt and Woodworth—29.

Mr. Davidson moved the indefinite postponement of said bill, together with the amendments.

Which was decided in the negative.

Those voting in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Greer, Hamlin, Hunter, Little, Markley, Moore, Murray, Nunnally, Ross, Servant and Sergeant—18.

Those voting in the negative, are,

Messrs. Allen, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Harrison, Mills, Mitchell, Monroe, O'Rear, Parrish, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—19.

Mr. Ross moved to lay said bill, together with the proposed amendments, on the table, until the 4th day of July next.

Which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Gibbs, Greer, Hamlin, Hunter, Harrison, Little, Markley, Moore, Murray, Nunnally, Ross, Servant, Sergeant and Witt—22.

Those voting in the negative, are,

Messrs. Fithian, Fletcher, Gaston, Gatewood, Hacker, Johnston, Mills, Mitchell, Monroe, Parrish, Stadden, Warren, Weatherford, Woodworth and Wood—15.

On motion,

The Senate adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Hamlin,

The bill entitled "An act to amend an act to authorize Henry W. Cleaveland to build a toll bridge across the Winnebago Swamp," approved February 19, 1839, contained in a message from the Council of Revision, together with the objections to the same; which was agreed to.

Mr. Hamlin moved to amend said bill by striking out the second section.

Which was decided in the affirmative.

And on the question—Shall said bill repass, as amended?

It was decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the re-passage of said bill, as amended.

Mr. Ross moved to reconsider a vote taken to lay upon the table, until the 4th day of July next, the bill entitled "An act to revive an act in relation to a certain State road;" which was not agreed to.

Mr. Weatherford moved to take up a bill laid upon the table some days since, entitled "An act to amend an act entitled an act to establish and maintain a general system of Internal Improvement;" which was not agreed to.

Mr. Little moved to suspend the order of business for the purpose of taking up a bill contained in a message from the House of Representatives, entitled "An act to amend an act concerning the Public Revenue;" approved 26th February, 1839; which was decided in the negative.

Mr. Woodworth moved to take up a bill, some days since laid on the table, entitled "An act to establish a State road in the counties of Cook and Lake;" which was agreed to.

Mr. Davidson moved to amend said bill by adding the following, viz:

"Be it further enacted, That the act to establish and maintain a general system of Internal Improvements, approved February 27th, 1837, and all acts amendatory thereto, be and the same are hereby repealed. *Provided,* that nothing herein contained shall be so construed as to release the State from any liability to carry out in good faith, any and all contracts entered into by the State, under the several laws hereby repealed. *Provided, also,* that no money shall be paid out on account of work hereafter done upon contracts, until all debts and liabilities now existing, have first been paid off and discharged."

Mr. Browning moved to strike out all after the word "that," in the proposed amendment, and insert the following as a substitute:

"So much of the act entitled an act to establish and maintain a general system of Internal Improvements, passed the 27th February, 1837, as establishes the Board of Commissioners of Public Works, and the Board of Fund Commissioners, shall be, and the same is hereby repealed."

Whereupon, Mr. Richardson called for a division of the question.

And the question being first taken upon striking out,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Browning, Churchill, Fithian, Fletcher, Gaston, Hamlin, Little, Monroe, Murray, Ross, Woodworth and Wood—13.

Those voting in the negative, are,

Messrs. Borough, Bostick, Blackwell, Butler, Davidson, Gatewood, Gibbs, Greer, Hacker, Hunter, Harrison, Herndon, Johnston, Markley, Mills, Mitchell, Moore, Nunnally, O'Rear, Parrish, Richardson, Servant, Sergeant, Stadden, Warren, Weatherford and Witt—27.

And the question recurring on the amendment proposed by Mr. Davidson,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Butler, Davidson, Gibbs, Greer, Hunter, Johnston, Mills, Murray, Nunnally, O'Rear, Richardson, Servant, Sergeant, Weatherford and Witt—18.

Those voting in the negative, are,

Messrs. Allen, Browning, Churchill, Fithian, Fletcher, Gaston, Gatewood, Hacker, Hamlin, Harrison, Herndon, Little, Markley, Mitchell, Moore, Monroe, Parrish, Ross, Stadden, Warren, Woodworth and Wood—22.

Whereupon, Mr. Davidson moved to amend said bill by adding the following, viz:

"And be it further enacted, That the following provision contained in a bill, entitled 'An act to repeal an act to establish and maintain a general

system of Internal Improvement, and all acts amendatory thereto,' which passed the Senate on the 20th day of January, 1840, to wit:

"Provided, also, That nothing herein contained shall be so construed as to allow damages for the right of way to persons, when no Rail Road is completed, shall be, and the same is hereby repealed, and shall form no part of the said bill before repealed."

Which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Davidson, Fithian, Gibbs, Greer, Hunter, Little, Markley, Mills, Moore, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Weatherford and Witt—23.

Those voting in the negative, are,

Messrs. Allen, Churchill, Fletcher, Gaston, Gatewood, Hacker, Hamlin, Harrison, Herndon, Johnston, Mitchell, Monroe, Parrish, Stadden, Warren, Woodworth and Wood—17.

And on the question—Shall said bill pass?

It was decided in the affirmative.

Mr. Servant moved to amend the title of said bill by adding the words "and for other purposes;" which was agreed to.

Ordered, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

Mr. Monroe from the committee on Enrolled bills, reported as correctly enrolled,

"An act to incorporate the town of Carmi,"

"An act concerning the time of holding the circuit courts in Jersey, Cass and Scott counties."

And afterwards reported that he had this day laid the same before the Council of Revision.

On motion of Mr. Browning,

The bill entitled "An act to repeal the law establishing the Board of Fund Commissioners, and to re-organize the Board of Commissioners of Public Works;" was taken up.

Whereupon, Mr. Hacker moved to amend the same by adding the following as an additional section, viz:

"That so much of the Central Rail Road, as is now under contract from Cairo, north, forty three miles; so much of the Northern Cross Road as lays between Jacksonville and Springfield, thirty-three miles; so much of the Alton and Mount Carmel road out from Mount Carmel eighteen miles; also, from Alton to Edwardsville, fourteen miles; from Shawneetown to Equality, twelve miles; and from Pekin to Tremont, ten miles; shall be completed as provided for in said contracts, and the laws under which the same was let, any law to the contrary notwithstanding: *Provided,* when the estimates for damages are fairly made, and it is ascertained that the completion of said work, together with ten per cent. will be a greater amount than the damages, then, and in that case, the contract not coming within this rule shall be suspended.

Mr. Fithian moved to amend said amendment by striking out the word "Springfield," and inserting "Decatur," in lieu thereof; which was not agreed to.

And the question recurring on the amendment proposed by Mr. Hacker, It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Allen, Fletcher, Gaston, Gatewood, Hacker, Harrison, Herndon, Mills, Mitchell, Monroe, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—18.

Those voting in the negative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Gibbs, Greer, Hamlin, Hunter, Johnston, Little, Markley, Moore, Murray, Nunnally, O'Rear, Ross, Servant and Sergeant—22.

Mr. Browning moved to amend said bill by striking out all after the enacting clause and inserting in lieu thereof, the following, viz:

"That so much of the act entitled 'An act to establish and maintain a general system of Internal Improvement, passed 27th February, 1837,' as authorizes the establishment of a Board of Commissioners of Public Works, and a Board of Fund Commissioners, shall be, and the same is hereby repealed."

Mr. Monroe moved to amend said amendment by adding the following proviso, viz:

"*Provided*, that the present Board of Public Works shall remain in office ninety days after the passage of this act, and said Board shall have power to employ a sufficient number of Engineers to take final estimates upon the works under contract, and settle up the same;" which was not agreed to.

And the question recurring on the motion of Mr. Browning.

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Borrough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gibbs, Greer, Hamlin, Hunter, Little, Markley, Mills, Moore, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Weatherford and Witt—26.

Those voting in the negative, are,

Messrs. Allen, Gaston, Gatewood, Hacker, Harrison, Herndon, Johnston, Mitchell, Monroe, Parrish, Stadden, Warren, Woodworth and Wood—14.

And on the question—Shall said bill be engrossed and read a third time?

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gibbs, Greer, Hamlin, Hunter, Little, Markley, Mills, Moore, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Weatherford and Witt—26.

Those voting in the negative, are,

Messrs. Allen, Gaston, Gatewood, Hacker, Harrison, Herndon, Johnston, Mitchell, Monroe, Parrish, Stadden, Warren, Woodworth and Wood—14.

A message from the Council of Revision, by Mr. Hubbard, their Secretary.

Mr. Speaker: The Council of Revision have directed me to inform the Senate that they have approved of acts of the following titles, to wit:

"An act to amend an act regulating the publication and distribution of the Laws and Journals of the General Assembly;"

"An act in relation to the court-house in La Salle county;"

"An act for the benefit of Stark county;"

"An act to change the name of the town of Victoria, in White county, to that of Philipstown;"

"An act for the appointment of an additional Notary Public in the town of Grafton, in Jersey county, and Pittsfield, in Pike county, and Charleston in Coles county;"

"An act to provide for holding an additional term of the Circuit Court in the county of Peoria;"

"An act to amend an act to incorporate the Beet Sugar, Silk and Vegetable Oil Manufacturing Company, approved February 27, 1837;"

"An act to authorize Allen P. Hubbard, to build a mill dam across Fox river." And he withdrew.

The engrossed bills, entitled

"An act further to amend the several acts in relation to Common Schools;"

"An act to authorize Charles G. Thomas to keep a ferry across the Mississippi River;"

"An act to incorporate the Galena Mining, Smelting and Hydraulic Company;"

Were severally read a third time and passed.

Ordered, That the titles be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bills.

The bills entitled "An act to incorporate the Madison county Ferry Company;"

"An act to amend an act to incorporate the Peoria Commercial Insurance Company, approved February, 1837;"

"An act to vacate the town plats of the towns therein named;"

"An act to vacate the survey and plats of the towns of Buffalo and East Buffalo;"

"An act to locate a State road therein named;"

Were severally read a second time, and

Ordered to be engrossed, and read a third time.

The bill entitled "An act to revive the State Bank of the State of Illinois;" was read a second time, and

On motion of Mr. Servant,

Referred to the committee on Military Affairs.

The bill entitled "An act to repeal an act entitled an act to provide for the election of Probate Justices of the Peace," approved March 4th, 1837; was read a second time.

Whereupon, Mr. Witt moved to lay said bill upon the table until the 4th day of July next; which was not agreed to.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Gibbs, Hunter, Harrison, Herndon, Johnston, Markley, Murray, Nunnally, O'Rear, Parrish, Ross, Sergeant, Stadden, Warren and Witt—19.

Those who voted in the negative, are,

Messrs. Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Greer, Hacker, Hamlin, Little, Mills, Mitchell, Moore, Monroe, Richardson, Servant, Warren, Woodworth and Wood—20.

And the question recurring on ordering said bill to be engrossed and read a third time,

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Greer, Hacker, Hamlin, Little, Mills, Mitchell, Moore, Monroe, Richardson, Servant, Warren, Woodworth and Wood—20.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Gibbs, Hunter, Harrison, Herndon, Johnston, Markley, Murray, Nunnally, O'Rear, Parrish, Ross, Sergeant, Stadden, Weatherford and Witt—20.

The bill entitled "An act to authorize Greenville H. Mathews to keep a ferry across the Meredosia;" was read a second time, and

Ordered to be engrossed, and read a third time.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, said bill read a third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The question recurring on the question pending when the Senate adjourned some days since, which was on the amendment proposed by Mr. Johnston, to the bill entitled "An act to limit the duration of the office of Secretary of State,

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Bostick, Gaston, Johnston, Parrish—4.

Those who voted in the negative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gibbs, Greer, Hacker, Hamlin, Hunter, Harrison, Herndon, Little, Markley, Mills, Mitchell, Moore, Monroe, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—35.

And the question then recurring on ordering said bill to be engrossed and read a third time, it was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant, and Warren—21.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Gaston, Gibbs, Hacker, Hunter, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Weatherford, Witt, Woodworth and Wood—18.

The bill entitled "An act legalizing the assessment of property in the county of Pope in the year 1839, and authorizing the county of Johnson to assess therein for the same year," was read a second time, and

Ordered to be engrossed, and read a third time.

On motion of Mr. Gibbs,

The rule of the Senate was dispensed with, said bill read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The bill, entitled "An act to revive the Charter of the State Bank," was read a second time.

Ordered to be engrossed and read a third time. And,

On motion of Mr. Herndon,

Referred to the committee on Internal Navigation.

The bill, entitled "An act to vacate and re-locate a part of the State road leading from Rushville to Commerce," was read a second time, and

Ordered to be engrossed, and read a third time.

On motion of Mr. Little,

The rule of the Senate was dispensed with, said bill read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The bill, entitled "An act to amend an act, entitled 'An act regulating tavern and grocery license,' approved March 2, 1839," was read a second time.

Whereupon Mr. Hacker moved to amend said bill, by striking out the word "gallon," and insert in lieu thereof the word "quart;" which was agreed to.

The question then recurring on ordering said bill, as amended, to a third reading,

It was decided in the affirmative.

The bill, entitled "An act to incorporate the Benton Academy, in the county of Franklin," was read a second time, and

Ordered to be engrossed and read a third time.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, said bill read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The bill, entitled "An act to provide relief for the poor, and to settle the Internal Improvement system," was read a second time.

Whereupon, Mr. Sergeant moved to amend said bill, by adding the following, viz:

SEC. 1. The Board of Public Works or Internal Improvement, are hereby authorized to contract with Alexander Brother, of Jacksonville, and his associates, if any, to complete and finish the Northern Cross railroad, from Meredosia to Springfield, for the use and benefit of the same, to him and his associates, for the term of five years, from and after its completion: *Provided, however*, the said road is completed and finished within two years from the first day of July, 1840, and that the contractors on that part of said road will relinquish their contract, and all claims against the State for damages.

SEC. 2. The Board of Public Works or Internal Improvement, are further authorized to contract to furnish the iron plates and spikes neces-

sary to complete said road, at the expense of the State; also, all the timber and other materials, now owned by the State, on the line of said road, and necessary for its construction; and also, all locomotives and cars now in use on said road, and owned by the State: *Provided*, said A. Brother and associates, will contract to deliver up, in good order and repair, said road, locomotives and cars, to the authorized agents of the State at the expiration of the said term of five years.

SEC. 3. The Board of Public Works or Internal Improvement are only authorized to make the above contract, in case the present General Assembly refuse, by legislative action, to complete the same on account of the State."

Mr. Gibbs moved to amend the amendment, by adding "forty-three miles of the Central railroad;" which was decided in the negative.

The question then recurring on the adoption of the amendment offered by Mr. Sergeant,

It was decided in the negative.

Whereupon, Mr. Witt moved to refer said bill to a select committee; which was not agreed to.

Mr. Ross moved to lay said bill on the table; which was decided in the affirmative.

The bill, entitled "An act for a State road from Dixon via Rockford, on the east side of Rock river, to Belvoit," was read a second time, and

Ordered to be engrossed and read a third time.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, said bill read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The bill, entied "An act in relation to the recorder and probate justice of Peoria county," was read a second time, and

Ordered to be engrossed, and read a third time.

On motion of Mr. Hamlin,

The rule of the Senate was dispensed with, said bill read a third time and passed.

The bill from the House of Representatives, entitled "An act to incorporate the Northwestern Manufacturing Company," was read a third time, as amended, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments thereto.

On motion,

The Senate ajourned until 7 o'clock this evening.

SEVEN O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Ross,

The Senate resolved itself into a committee of the Whole, to take into consideration the bill for "An act to abolish slavery in the town of Spring.

field," and the amendment proposed thereto by the committee on Canals and Canal Lands; Mr. Harrison in the Chair. And after some time spent therein,

Mr. Speaker resumed the Chair, when

Mr. Harrison reported, that the committee of the Whole, according to order, had had said bill and amendment under consideration, directed him to report the same back to the Senate, and ask leave to sit again; which was granted.

The orders of the day being taken up, the following bills from the House of Representatives were severally read a third time and passed, to-wit:

"An act supplemental to 'An act to incorporate the Bainbridge Academy,' approved March 2, 1839;"

"An act to incorporate Georgetown, in the county of Randolph;"

"An act to change the name of the Kaskaskia Insurance Company;"

"An act authorizing the re-valuation of sections number sixteen in certain cases;"

"An act to vacate the town plat of the town of Washington;"

"An act to change part of a State road from Naperville, in Du Page county, to Indian creek, in McHenry county;" and

"An act to incorporate the Middlesex steam mill company."

Ordered, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to incorporate the Sangamon Coal Bridge Company," was read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, for "An act to amend an act, entitled 'An act to provide for certain improvements in Pike county,'" was read the third time.

Whereupon, Mr. Ross moved to amend the said bill, by adding the following, viz:

"SEC. 2. That the commissioner of the fourth road district, appointed by said act, shall expend all the unexpended appropriation on the road from Bay creek to Redman's ferry, in the improvement of that part of the new State road situated between the town of Pittsfield and Highland, in said county;" which was agreed to, and said bill passed, as amended.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments of the Senate thereto.

The following bills from the House of Representatives, were severally read the first time, to-wit:

"An act to re-survey a portion of the State road leading from Decatur to Danville;"

"An act to amend an act, entitled 'An act concerning the road from Warsaw to Quincy,' approved February 22, 1839;"

"An act to change a part of the State road leading from Griggsville to Quincy;"

"An act authorizing Ira Menard, Read Ferson, Bela T. Hunt and Darwin Millington, to build a dam across Fox river;"

"An act to amend an act to create and establish the county of Jersey;" and

"A bill relating to certain records in the counties of Franklin, Williamson, Morgan and Cass;" and,

On motion,

The rule of the Senate was dispensed with, said bills were severally read a second and third time and passed.

Ordered, That the titles be reselectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives for "An act in relation to the State Bank of Illinois," was read the first time, and,

On motion of Mr. Witt,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to a select committee.

Ordered, That Messrs. Witt, Stadden and Bostick, be that committee.

The bill from the House of Representatives for "An act exempting certain articles from excitation, in addition to those already exempt by the laws of this State," was read the first time, and,

On motion,

The rule of the Senate was dispensed with, and said bill was read a second time by its title.

Whereupon, Mr. Ross moved to lay the same on the table; which was not agreed to.

Ordered to a third reading.

The bill from the House of Representatives for "An act to amend 'An act concerning the public revenue,' approved Febrvary 26, 1839;" was read the first time, and,

On motion of Mr. Little,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

On motion,

The Senate adjourned until 10 o'clock, to-morrow morning.

THURSDAY, JANUARY 30, 1840.

Senate met pursuant to adjournment.

A message from the House of Representatives, by Mr. Stapp, a Representative:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate, that they have concurred with them in the passage of bills of the following titles, viz:

"An act requiring school commissioners to distribute school funds at the county seats;" and

"An act providing for the binding of the laws and journals."

They have also concurred with the Senate in their amendments to a bill for "An act in relation to the State Bank of Illinois." And he withdrew.

Mr. Little, from the committee on the Judiciary, to which was referred a bill from the House of Representatives, entitled "An act to amend an act, entitled 'An act concerning the public revenue,' approved February 26, 1839," reported the same back with sundry amendments thereto; which were read and concurred in.

Ordered to a third reading, as amended.

On motion of Mr. Little,

The rule of the Senate was dispensed with, said bill read a third time as amended, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments to said bill.

Mr. Davidson, from the committee on the Judiciary, to which was referred a bill, entitled "An act to amend an act, entitled 'An act to incorporate the Mount Carmel and Alton Railroad Company,' approved January 16, 1836," reported the same back, with an amendment; which was read.

And on the question—Will the Senate concur with the committee in their amendment to said bill?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Borough, Blackwell, Churchill, Davidson, Fithian, Fletcher, Gaston, Greer, Hamlin, Hunter, Harrison, Johnston, Little, Mills, Moore, Murray, O'Rear, Servant and Sergeant—19.

Those who voted in the negative, are,

Messrs. Allen, Browning, Butler, Gatewood, Gibbs, Hacker, Herndon, Markley, Mitchell, Nunnally, Parrish, Richardson, Ross, Stadden, Warren, Weatherford, Witt, Woodworth, Wood and Mr. Speaker—20.

And the question being taken on ordering said bill to a third reading, it was decided in the negative.

Mr. Hacker, from the committee on Finance, to which was referred "An act for the relief of George M. Hanson," reported the same back without amendment, and recommended the rejection of said bill.

And on the question—Shall said bill be engrossed, and read a third time?

It was decided in the negative.

Mr. Stadden, from the committee on Canals and Canal Lands, to which was referred the bill from the House of Representatives, entitled "An act to authorize the commissioners of the Illinois and Michigan Canal to sell certain land," reported the same back without amendment.

On motion of Mr. Weatherford,

Said bill was laid on the table.

Mr. Harrison from the committee on the Judiciary, to which was referred a bill, entitled "An act for the benefit of Constables," reported the same back with an amendment; which was read and concurred in.

Ordered to be engrossed, as amended, and read a third time.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, said bill read a third time by its title, and passed.

Mr. Harrison moved to amend the title of said bill so as to make it read

a bill for "An act for the benefit of Wildey Lodge, No. 5, in town of Galena;" which was agreed to.

Ordered, That the title of said bill be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

Mr. Little, from the committee on the Judiciary, to which was referred the bill from the House of Representatives, entitled "An act supplemental to an act, entitled 'An act relating to the office of recorder,' approved January 8, 1829," reported the same without amendment, and recommended the rejection of said bill.

On motion of Mr. Little,

Laid on the table.

Mr. Little, from the committee on the Judiciary, to which was referred the bill from the House of Representatives, entitled "An act to authorize owners of blocks in the town of Winnebago, to enclose alleys in said blocks," reported the same back without amendment and recommended the rejection of said bill.

On motion of Mr. Little,

The further consideration of said bill was indefinitely postponed.

Ordered, that the Secretary inform the House of Representatives thereof.

Mr. Little, from the committee on the Judiciary, to which was referred the bill from the House of Representatives, entitled "An act to amend an act incorporating the Calhoun Coal and Mining Company," reported the same back without amendment.

Ordered to a third reading.

On motion of Mr. Servant,

The rule of the Senate was dispensed with, said bill read a third time by its title, and passed.

Ordered, that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Woodworth, on leave given, moved the adoption of the following order, viz:

"That the report made on Tuesday last by Mr. Hacker, from the committee on Internal Improvements, in relation to contracts made by the Fund Commissioners for the sale of State Bonds since the 1st March, 1839, be excluded from the journal and published in the volume of reports in the same manner as reports from other sources."

Mr. Hacker moved to suspend the order of business, for the purpose of taking up the bill from the House of Representatives, entitled "An act authorizing the county commissioners of Union county to borrow money for certain purposes;" which was agreed to, said bill read, and

Ordered to a second reading.

On motion of Mr. Hacker,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The engrossed bills, entitled

"An act to amend an act to incorporate the Peoria Commercial Insurance Company, approved February 18, 1837;"

"An act to incorporate the Madison county ferry Company;"

"An act to vacate the town plats of the towns therein named;"

Were severally read and passed.

The engrossed bill, entitled "An act to repeal the law establishing the Board of Fund Commissioners, and to re-organize the Board of Public Works," was read the third time and passed.

Mr. Browning moved to amend the title of said bill so as to make it read "An act to abolish the Board of Commissioners of Public Works, and the Board of Fund Commissioners;" which was agreed to.

Ordered, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The bill from the House of Representatives, entitled "An act exempting certain articles from execution in addition to those already exempt by the laws of this State," was read a third time.

And on the question—Shall said bill pass?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Churchill, Fithian, Gaston, Gibbs, Hamlin, Hunter, Harrison, Herndon, Johnston, Little, Markley, Mitchell, Nunnally, Ross, Sergeant, Stadden, Warren, Weatherford, Witt and Wood—25.

Those who voted in the negative, are,

Messrs. Butler, Davidson, Fletcher, Gatewood, Greer, Hacker, Mills, Murray, Parrish, Richardson, Servant, and Woodworth—12.

The bill from the House of Representatives, entitled "An act concerning sheriffs, coroners, constables, justices of the peace, and probate justices of the peace," was read, and

Ordered to a second reading.

On motion of Mr. Browning,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act relative to the election of members of Congress," was read, and

Ordered to a second reading.

On motion of Mr. Browning,

The rule of the Senate was dispensed with, said bill read a second time and

Ordered to a third reading.

Mr. Ross moved to lay said bill on the table; which was not agreed to.

Whereupon, Mr. Hacker moved the indefinite postponement of the consideration of said bill; which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Churchill, Davidson, Gaston, Gatewood, Gibbs, Hacker, Hunter, Harrison, Herndon, Little, Markley, Mitchell, Monroe, Nunnally, Parrish, Ross, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—24.

Those who voted in the negative, are,

Messrs. Allen, Blackwell, Browning, Butler, Fithian, Greer, Hamlin,

Johnston, Mills, Moore, Murray, O'Rear, Richardson, Servant and Sergeant—15.

The bill from the House of Representatives, entitled "An act fixing the time of holding the Circuit Courts in Jersey county," was read, and

Ordered to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, said bill read a second time, and

Ordered to a third reading.

The bill from the House of Representatives, entitled "An act for the relief of John G. McHatton," was read, and

Ordered to a second reading.

On motion of Mr. Richardson,

The rule of the Senate was dispensed with, said bill read a second and third time, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to change the name of the county of Dane to that of Christian," was read, and

Ordered to a second reading.

On motion of Mr. Warren,

The rule of the Senate was dispensed with, said bill read a second and third time, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act for the relief of certain securities therein named," was read, and

Ordered to a second reading.

On motion of Mr. Ross,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on the Judiciary.

The bills from the House of Representatives, entitled

"An act supplemental to an act, entitled 'An act to authorize the inhabitants of Cahokia to raise a levee on the creek bank opposite the town of Cahokia;" and

"An act to incorporate the St. Clair Steam Mill Company;"

Were read, and

Ordered to a second reading.

On motion of Mr. Murray,

The rule of the Senate was dispensed with, said bills read the second and third time by their titles, and passed.

Ordered, That the titles be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to amend the several laws in relation to appeals," was read, and

Ordered to a second reading.

Mr. Markley moved to dispense with the rule of the Senate, and read said bill a second time by its title; which was not agreed to.

The bill from the House of Representatives, entitled "An act concerning attachments," was read, and

Ordered to a second reading.

On motion of Mr. Blackwell,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House Representatives thereof.

The bill from the House of Representatives, entitled "An act concerning judgments and executions, approved January 17, 1825," was read, and

Ordered to a second reading.

Mr. Browning moved to dispense with the rule of the Senate, and read said bill a second time by its title; which was not agreed to.

On motion,

The Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Monroe, from the committee on Enrolled Bills, reported as correctly enrolled,

"An act providing for the binding of the laws and journals;"

"An act requiring school commissioners to distribute school funds at the county seats."

And afterwards reported that he had this day laid the same before the Council of Revision.

The bill from the House of Representatives, entitled "An act to incorporate the towns therein named," was read, and

Ordered to a second reading.

On motion of Mr. Servant,

The rule of the Senate was dispensed with, and said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Little,

The Senate again resolved itself into a committee of the Whole, for the purpose of taking into consideration a bill, entitled "An act to abolish slavery in the town of Springfield," together with the proposed amendment of the committee on Canals and Canal Lands; Mr. Harrison in the Chair. After some time spent therein,

Mr. Speaker resumed the Chair, and

Mr. Harrison reported, that the committee of the Whole Senate, according to order, had had under consideration the bill, entitled "An act to abolish slavery in the town of Springfield," together with the proposed amendment thereto from the committee on Canals and Canal Lands, and have made sundry amendments to the same, in which they ask the concurrence of the Senate.

Whereupon, Mr. Browning called for a division of the question;

And the question being first taken on all the amendments except the amendment in relation to the salaries of Engineers, and permitting the Canal Commissioners to issue checks to the contractors for work done to an amount not exceeding \$500,000.

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Gaston, Greer, Hacker, Hamlin, Hunter, Harrison, Herndon, Johnston, Little, Markley, Mills, Moore, Monroe, Murray, Nunnally, O'Rear, Richardson, Ross, Servant, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—35.

Those who voted in the negative, are,

Messrs. Gibbs, Mitchell, and Parrish—3.

Mr. Richardson called for a further division of the question;

And the question being first taken on allowing the Canal Commissioners to issue checks to contractors for work done to an amount not exceeding \$500,000,

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Borough, Hacker, Hamlin, Harrison, Herndon, Little, Mitchell, Richardson, Stadden, Weatherford, Witt and Woodworth—12.

Those who voted in the negative, are,

Messrs. Allen, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Gaston, Gibbs, Greer, Hunter, Johnston, Markley, Mills, Moore, Monroe, Murray, Nunnally, O'Rear, Parrish, Ross, Servant, Sergeant, Warren and Wood—25.

And on the question—Will the Senate concur with the committee in their amendments to the proposed amendment of the committee on Canals and Canal Lands, in relation to the salaries of Engineers?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Greer, Hunter, Harrison, Herndon, Johnston, Little, Moore, Nunnally, O'Rear, Ross, Servant, Sergeant, Warren, Weatherford and Witt—22.

Those who voted in the negative, are,

Messrs. Davidson, Fithian, Gaston, Gibbs, Hacker, Hamlin, Markley, Mills, Mitchell, Monroe, Murray, Parrish, Richardson, Stadden, Woodworth and Wood—16.

And on the question—Will the Senate concur with the committee on Canals and Canal Lands in their amendment to said bill, as amended?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Greer, Hacker, Hamlin, Hunter, Harrison, Herndon, Little, Markley, Mitchell, Moore, O'Rear, Richardson, Ross, Servant, Sergeant, Stadden, Warren, Witt and Woodworth—26.

Those who voted in the negative, are,

Messrs. Davidson, Fithian, Gaston, Gibbs, Johnston, Mills, Monroe, Murray, Parrish, Weatherford and Wood—11.

Ordered to be engrossed, and read a third time.

A message from the House of Representatives, by Mr. Stapp, a Representative:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate that they have passed a bill for "An act concerning the National road in Illinois."

In the passage of which bill, they ask the concurrence of the Senate. And he withdrew.

A message from the Council of Revision, by Mr. Hubbard, their Secretary:

Mr. Speaker: The Council of Revision have directed me to inform the Senate, that they have approved of acts of the following titles, to wit:

“An act incorporating the town of Carmi;”

“An act changing the times of holding Circuit Courts in Jersey, Cass and Scott counties.”

And he withdrew.

The bill from the House of Representatives, entitled “An act authorizing commissioners’ courts to alter and re-locate State roads,” was read,

Whereupon, Mr. Ross moved to postpone indefinitely the further consideration of said bill; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Hacker, Hunter, Johnston, Nunnally, O’Rear, Parrish, Ross, Servant and Stadden—12.

Those who voted in the negative, are,

Messrs. Bostick, Browning, Butler, Churchill, Davidson, Fithian, Gaston, Gibbs, Greer, Hamlin, Harrison, Herndon, Little, Markley, Mills, Mitchell, Moore, Monroe, Murray, Richardson, Sergeant, Warren, Weatherford, Witt, Woodworth and Wood—26.

And on the question—Shall said bill be ordered to a second reading?

It was decided in the affirmative.

On motion of Mr. Davidson,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled “An act to vacate a part of the town plat of Bennett’s addition to the town of Petersburg,” was read, and

Ordered to a second reading.

On motion of Mr. Witt,

The rule of the Senate was dispensed with, said bill read a second time by its title,

Whereupon, Mr. Witt moved to amend said bill by adding the following, viz:

“*And be it further enacted,* That it shall be the duty of the county commissioners’ courts of the counties of Greene and Jersey, to assess a tax of — for State purposes for the year 1840, which tax shall be thirty cents upon every hundred dollars worth of taxable property, and shall be assessed and collected in the same manner, and paid into the State Treasury, at the time, and under the same conditions as other State taxes are.

SEC. 2. The Auditor of Public Accounts, at the next session of the General Assembly, shall report the amount of taxes which may have been assessed during the year 1840, in the said counties, under the provisions of the foregoing section, and complete, according to the best data in his possession, the difference between the amount of taxes assessed during the said year and the amount of the taxes which, under the provisions of the the act concerning public revenue, in force February 26, 1839, should

have been assessed during the years 1839 and 1840. The provisions of this bill shall apply to all the counties in this State, which have failed to make an assessment and collection of taxes for the year 1839."

Which was decided in the affirmative.

Ordered to be engrossed, and read a third time, as amended.

On motion of Mr. Witt,

The rule of the Senate was further dispensed with, said bill read a third time, and passed.

Whereupon, Mr. Little moved to amend the title of said bill by adding "and for the assessment and collection of taxes in certain counties;" which was agreed to.

Ordered, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments to said bill.

The bill from the House of Representatives, entitled "An act to authorize Sherland Rose and Andrew C. Swan to build a toll bridge across Fever river at Galena in the county of Jo Daviess," was read, and

Ordered to a second reading.

On motion of Mr. Harrison,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to legalize the assessment of taxes taken in the counties of McHenry and Stark in the year 1839," was read, and

Ordered to a second reading.

On motion of Mr. Woodworth,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to amend 'An act concerning justices of the peace and constables,' approved February 3, 1827," was read, and

Ordered to a second reading.

On motion of Mr. Browning,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

The bill from the House of Representatives, entitled "An act to establish a State Road from Petersburg, in Menard county, to Waverley, in Morgan county," was read, and

Ordered to a second reading.

On motion of Mr. Weatherford,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned until to-morrow morning at 10 o'clock, P. M.

FRIDAY, JANUARY 31, 1840.

Senate met pursuant to adjournment.

Mr. Borough from the committee on Public Roads, to which was referred a bill entitled "An act to authorize the county commissioners' court of Fulton county to change and alter State roads in said county;" report the same back without amendment.

On motion of Mr. Borough,

Said bill was laid on the table.

Mr. Borough from the same committee to which was referred the bill from the House of Representatives, entitled "An act to vacate part of a State road in Scott county;" reported the same back without amendment.

Ordered to a third reading.

Mr. Borough from the same committee, to which was referred the bill from the House of Representatives, entitled "An act to re-locate part of a State road therein named;" reported the same back without amendment.

Ordered to a third reading.

On motion of Mr. Butler,

The rule of the Senate was dispensed with, said bill read a third time by its title, and passed.

Ordered, that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Harrison from the committee on the Judiciary, to which was referred the bill from the House of Representatives, entitled "An act to incorporate the Kishwaukee Bridge Company at Kishwaukee;" reported the same back with sundry amendments thereto; which were read and concurred in.

Ordered to a third reading, as amended.

On motion of Mr. Little,

The rule of the Senate was suspended, said bill read a third time, as amended, and passed.

Ordered, that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments to said bill.

Mr. Little from the committee on the Judiciary, to which was referred a bill from the House of Representatives, entitled "An act for the relief of certain securities therein named," reported the same back with sundry amendments thereto; which were read and concurred in.

Ordered to a third reading, as amended.

On motion of Mr. Hamlin,

The rule of the Senate was dispensed with, said bill read a third time by its title, and passed as amended.

Ordered, that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments to said bill.

A message from the House of Representatives, by Mr. Berry, their assistant clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have concurred with the Senate in the passage of bills of the following titles, as amended by them, in which amendments they ask the concurrence of the Senate, viz:

"An act to amend an act entitled an act to prevent trespassing by cutting timber, approved February 27th, 1819;"

"An act to legalize the change of a certain State road therein named, and to require the Treasurer of the Canal Board to reside at Lockport;"

"An act to incorporate the city of Quincy;"

"An act to amend an act entitled an act for the relief of purchasers of Canal lots and Lands, and for other purposes, approved March 2, 1839;"

"An act to re-locate a certain State road in Pike county;"

"An act to locate a State road therein named;"

"An act to require pedlars to procure license;"

"An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illicois."

I am also directed by the House of Representatives to inform the Senate that the House has concurred with the Senate in the passage of bills of the following titles, viz:

"An act to amend the several laws in relation to practice in courts of law;"

"An act to amend an act authorizing Samuel Willers to build a toll bridge across the Skillet Fork of the Little Wabash river;"

"An act to alter a certain State road in Fayette county;"

"An act to amend an act incorporating the La Salle Charity Hospital, approved February 23d, 1839;"

"An act relative to certain roads in Greene county;"

"An act for the relief of William Howell, of Calhoun county;"

"An act supplementary to an act to incorporate the town of Bloomington;"

"An act to amend an act concerning attachments, approved February 12th, 1833;"

"An act to amend an act entitled an act to incorporate the Union Agricultural Society;"

"An act in relation to the county of Williamson;"

"An act to amend an act entitled an act to provide for the dedication of lots in towns situated on Canal Lands, to public purposes, approved February 28th, 1839;"

"An act to authorize Shelton L. Hall and others, to establish a ferry across Rock River;"

"An act to incorporate the Kaskaskia Beet Sugar Manufacturing Company, and Randolph Silk Manufacturing Company;"

"An act to amend the laws in relation to change of venue;"

"An act to authorize the trustees of Schools in townships eight north, range five east, to refund certain money." And he withdrew.

Mr. Little from the committee on the Judiciary, to which was referred a bill, entitled "An act to alter the times of holding Circuit Courts in some of the counties in the Fifth Judicial Circuit," reported the same back without amendment, and ask to be discharged from the further consideration thereof; which was agreed to, and

On motion of Mr. Little,

Said bill was laid on the table.

On motion of Mr. Mitchell,

The order of business was suspended, in order to take up a bill contain-

ed in a message from the House of Representatives, entitled "An act to establish a Ferry across the Illinois river."

And on the question—Will the Senate concur with the House of Representatives in their amendments to said bill?

It was decided in the affirmative.

Ordered, that the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Stapp, a Representative.

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, viz:

"An act to incorporate the Marion Institute;"

"An act providing for the collection of the State Revenue in Greene, Bond and other counties;"

"An act concerning the Revenue in Clay county;"

"An act declaring a strip of ground therein described to be a public street;"

"An act to continue the location of a State road therein named;"

"An act concerning a State road from Shelbyville to Hillsboro';"

"An act to incorporate the Illinois and St. Louis Bridge Company;"

"An act appointing an agent to superintend certain improvements in Clay county;"

"An act to amend an act entitled an act to incorporate the Vandalia and Mississippi Turnpike Company;"

"An act to incorporate the town of Tremont;"

"An act to amend an act entitled an act to repeal part of an act to incorporate the city of Chicago;"

"An act for a State road in Clay county;"

"An act concerning the appropriations therein named;"

"An act to dissolve the bands of matrimony between Nathaniel B. Martin and Sarah Martin his wife;"

"An act to authorize the Board of Public Works to audit and settle the accounts of Edward Smith, deceased;"

"An act to incorporate the Meredosia Hotel Company;"

"An act for the relief of Livingston and De Witt counties;"

"An act for the relief of the heirs of Samuel Jackson, dec.;"

"An act to re-locate a part of a State road therein named;"

"An act regulating the time of holding the court in the counties of Clinton and Bond;"

"An act in relation to special bail;"

"An act in relation to taking depositions, and in relation to Menard and Logan counties;"

"An act fixing the time of holding the Summer Term of the Supreme Court;"

"An act to repeal an act entitled an act to establish and maintain a general system of Internal Improvements, and other laws amendatory to the same;"

"An act to amend an act distributing the School Fund;"

"An act supplemental to an act to authorize and require the School Commissioners of Sangamon county, to pay over certain School funds to the School Commissioners of Menard, Logan and Dane counties;"

"An act in relation to promissory notes;"

"An act to locate and change State roads;"

"An act to authorize the re-survey of the lower town of Carlyle, in Clinton county;"

"An act to incorporate the Springfield Marine and Fire Insurance Company;"

"An act authorizing the Auditor of Public Accounts and the Trustees of Shawneetown, to make deeds in certain cases."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

Mr. Ross moved to suspend the order of business for the purpose of taking up a bill contained in a message from the House of Representatives, entitled "An act to provide for the settlement of debts and liabilities, incurred on account of Internal Improvements in the State of Illinois;" which was agreed to.

And on the question being—Will the Senate concur with the House of Representatives in their amendments to said bill?

Mr. Gatewood called for a division of the question.

And the question being first taken on concurring with the House of Representatives, in striking out the 9th section of said bill,

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Hunter, Little, Markley, Mills, Moore, Murray, Nunnally, O'Rear, Ross, Servant and Sergeant—21.

Those who voted in the negative, are,

Messrs. Allen, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Harrison, Herndon, Johnston, Mitchell, Monroe, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—19.

And on the question—Will the Senate concur with the House of Representatives in their remaining amendments to said bill?

It was decided in the affirmative.

Ordered, that the Secretary inform the House of Representatives thereof. The Engrossed Bill, entitled "An act to limit the duration of the office of Secretary of State," was read a third time.

And on the question—Shall said bill pass?

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant and Warren—20.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Gaston, Gatewood, Hacker, Hunter, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Weatherford, Witt, Woodworth and Wood—18.

Ordered, that the title be as aforesaid and that the Secretary inform the House of Representatives thereof.

The Engrossed Bill, entitled "An act to amend an act entitled an act to provide for the election of Probate Justices of the Peace; approved March 4th, 1837;" was read a third time, and passed.

Mr. Gatewood moved to amend the title of said bill, so as to make it read "An act to amend an unconstitutional law;" which was not agreed to.

Ordered, that the title be as aforesaid and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

The Engrossed bill entitled "An act to repeal an act entitled an act to provide for the election of Probate Justices of the Peace, approved March 4th, 1837;" was read a third time.

And on the question—Shall said bill pass?

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gatewood, Hacker, Hamlin, Little, Mills, Richardson, Servant, Woodworth and Wood—16.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Gibbs, Hunter, Harrison, Herndon, Johnston, Markley, Mitchell, Moore, Murray, Nunnally, O'Rear, Parrish, Ross, Sergeant, Stadden, Warren, Weatherford and Witt—22.

The engrossed bills, entitled "An act to re-locate the survey and plats of the towns of Buffalo and East Buffalo;" and

"An act entitled an act regulating tavern and grocery license; approved March 2d, 1839;" were read a third time and passed.

Ordered, that the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bills.

The Engrossed bill, entitled "An act to abolish Slavery in the town of Springfield," was read a third time.

Mr. Woodworth moved to amend said bill by adding the following, viz:

"That should there be no funds on hand to meet the liabilities of the State to the Contractors, for labor done on the Illinois and Michigan Canal, at the estimate to be made on the first of March next, it shall be the duty of the Commissioners of said Canal, to issue their checks to said contractors for such amount as may be found then due, as is now provided by law, bearing interest at the rate of six per cent. and payable whenever funds shall have been deposited for that purpose: *Provided*, that this provision shall not extend to estimates made after said first day of March next."

Mr. Davidson moved that the further consideration of said amendment be indefinitely postponed.

Which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Butler, Davidson, Fithian, Gaston, Greer, Hunter, Johnston, Markley, Moore, Murray, O'Rear, Parrish and Wood—13.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Churchill, Fletcher, Gibbs, Hacker, Hamlin, Herndon, Mills, Mitchell, Nunnally, Richardson, Servant, Sergeant, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—23.

Mr. Davidson moved to amend the amendment by striking out the words "six per cent."

It was decided in the negative.

Those voting in the affirmative, are,
Messrs. Bostick, Davidson, Fithian, Gaston, Gibbs, Greer, Hunter, Johnston, Mills, Moore, Murray, O'Rear, Parrish, Servant, Sergeant and Wood—16.

Those voting in the negative, are,
Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Fletcher, Hacker, Hamlin, Herndon, Markley, Mitchell, Nunnally, Richardson, Ross, Stadden, Warren, Weatherford, Witt and Woodworth—20.

Mr. Davidson moved to further amend said amendment, by adding the following proviso: "*Provided, also, That in no case shall such checks be issued for a smaller amount than one hundred dollars.*"

Which was decided in the affirmative.

Those voting in the affirmative, are,
Messrs. Blackwell, Browning, Butler, Davidson, Fithian, Gaston, Gibbs, Greer, Hunter, Little, Mills, Moore, Murray, Nunnally, O'Rear, Parrish, Ross, Servant, Sergeant and Weatherford—20.

Those voting in the negative, are,
Messrs. Allen, Borough, Bostick, Churchill, Fletcher, Hacker, Hamlin, Herndon, Johnston, Markley, Mitchell, Monroe, Richardson, Stadden, Warren, Witt, Woodworth and Wood—18.

The question then recurring on the adoption of the amendment as amended, it was decided in the affirmative.

And on the question—Shall the bill as amended pass?

It was decided in the affirmative.

Mr. Stadden moved to amend the title of said bill so as to have it read "An act to amend an act to amend the several laws in relation to the Illinois and Michigan Canal," which was agreed to.

Ordered, That the title be as amended, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the passage of said bill.

On motion,

The Senate adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Monroe from the committee on Enrolled bills, reported as correctly enrolled, bills of the following titles, viz:

"An act to amend an act, concerning attachments, approved February 12th, 1833;"

"An act in relation to the county of Williamson;"

"An act to amend an act, entitled an act to incorporate the Union Agricultural Society;"

"An act to amend an act, entitled an act to provide for the dedication of lots in towns situated on Canal lands to public purposes, approved February 28th, 1839;"

"An act supplementary to an act to incorporate the town of Blooming-ton;"

And afterwards reported that he had laid the same before the Council of Revision.

Mr. Speaker laid before the Senate a communication from John Tillson, Jr. Fund Commissioner, in relation to the Circular of the Secretary of the Board of Public Works, referred to in the report of the committee of Internal Improvement; which was read, and

On motion of Mr. Hacker,

Laid on the table.

Mr. Browning moved to dispense with the order of business, for the purpose of taking up the resolutions and contracts, contained in and accompanying the report of the Committee on the Judiciary; which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Hamlin, Hunter, Harrison, Johnston, Little, Markley, Mills, Mitchell, Monroe, Nunnally, O'Rear, Parrish, Ross, Sergeant, Stadden, Warren, Weatherford, Witt and Woodworth—32.

Those who voted in the negative, are,

Messrs. Hacker, Herndon, Richardson, and Wood—4.

The question recurring on the adoption of the resolutions contained in said report,

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Greer, Hamlin, Hunter, Little, Markley, Moore, Murray, Nunnally, O'Rear, Ross, Servant, Sergeant and Witt—21.

Those who voted in the negative, are,

Messrs. Allen, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Harrison, Herndon, Johnston, Mitchell, Monroe, Parrish, Richardson, Stadden, Warren, Weatherford, Woodworth and Wood—18.

Ordered, That the Secretary inform the House of Representatives thereof, and ask their concurrence in the adoption of said resolutions.

Mr. Wood moved to reconsider the vote, whereby the further consideration of the bill from the House of Representatives, entitled "An act relative to members of Congress," was on yesterday indefinitely postponed; which was agreed to.

Whereupon, Mr. Servant moved the indefinite postponement of the further consideration of said bill;

Which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Davidson, Gatewood, Gibbs, Hacker, Hunter, Harrison, Herndon, Markley, Mills, Mitchell, Monroe, Parrish, Ross, Servant, Warren, Witt and Woodworth—20.

Those who voted in the negative, are,

Messrs. Blackwell, Browning, Butler, Churchill, Fithian, Fletcher, Gaston, Greer, Hamlin, Johnston, Little, Moore, Murray, Nunnally, O'Rear, Richardson, Sergeant, Stadden, Weatherford, Wood and Mr. Speaker—21.

And the question recurring on ordering said bill to be read a third time,

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Blackwell, Browning, Butler, Churchill, Fithian, Fletcher, Greer, Hamlin, Hunter, Johnston, Moore, Murray, Nunnally, O'Rear, Richardson, Sergeant, Stadden, Weatherford, Wood and Mr. Speaker—20.

Those who voted in the negative, are,

Messrs. Allen, Borough, Bostick, Davidson, Gaston, Gatewood, Gibbs, Hacker, Harrison, Herndon, Markley, Mills, Mitchell, Monroe, Parrish, Servant, Warren, Weatherford and Woodworth—19.

A message from the Governor, by Mr. McFarland:

Mr. Speaker: I am directed by the Governor to lay before the Senate, a communication in writing. And he withdrew.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, viz:

"An act to legalize the re-valuation of certain lots in the town of Lockport, and for other purposes;"

"An act making additional appropriations for the years 1839-'40;"

They have also concurred with the Senate in the passage of a bill for "An act to vacate a State road in Pike county, and for other purposes," as amended by them.

In which amendments, they ask the concurrence of the Senate.

They amend the title by adding at the end thereof, the words "and for other purposes." And he withdrew.

Mr. Monroe, from the committee on Enrolled Bills, reported as correctly enrolled,

"An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois;"

"An act, to amend 'An act to incorporate the La Salle Charity Hospital,' approved February 23, 1838;"

"An act for the relief of Wm. Howell, of Calhoun county;"

"An act to amend the law in relation to a change of venue;"

"An act to authorize Shelton L. Hall and others to establish a ferry across Rock river;"

"An act to authorize the Trustees of Schools in townships eight north, range four east, to refund certain money;"

"An act to alter a certain State road in Fayette county;"

And afterwards reported that he had laid the same before the Council of Revision.

A message from the Council of Revision, by Mr. Hubbard, their Secretary.

Mr. Speaker: The Council of Revision have directed me to inform the Senate that they have approved of acts of the following titles, to wit:

"An act supplementary to an act to incorporate the town of Bloomington;"

"An act requiring school commissioners to distribute school funds at the county seats;"

"An act to amend an act, entitled 'An act to provide for the dedication

of lots in towns situated on Canal lands, to public purposes,' approved February 28, 1839;"

"An act in relation to the county of Williamson;"

"An act to amend an act, entitled 'An act to incorporate the Union Agricultural Society;"

"An act providing for the binding of the Laws and Journals;"

"An act, to amend 'An act concerning attachments,' approved February 12, 1839." And he withdrew.

On motion of Mr. Richardson,

The bill from the House of Representatives, entitled "An act making additional appropriations for the years 1839-'40," was taken up, read, and

Ordered to a second reading.

On motion of Mr. Ross,

The rule of the Senate was dispensed with, said bill read a second time by its title, and referred to the committee on Public Accounts and Expenditures.

Mr. Weatherford moved to suspend the order of business for the purpose of taking up a bill from the House of Representatives, entitled "An act to repeal an act, entitled 'An act to establish and maintain a general system of Internal Improvements, and all laws amendatory thereto;" which was agreed to.

Said bill was read, and

Ordered to a second reading.

Whereupon, Mr. Hacker moved that the further consideration of said bill be indefinitely postponed; which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Blackwell, Churchill, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Hamlin, Herndon, Harrison, Little, Mitchell, Monroe, Parrish, Stadden, Warren and Wood—19.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Butler, Davidson, Greer, Hunter, Johnston, Markley, Mills, Moore, Murray, Nunnally, O'Rear, Richardson, Servant, Sergeant, Weatherford and Wood—18.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Servant asked and obtained leave to introduce the following resolution, viz:

Resolved, That the Auditor of Public Accounts report to the Senate the amount of tax assessed for State purposes in the county of Randolph for the year 1839;" which was read, and adopted.

The following bills from the House of Representatives, were severally read a first time, viz:

"An act to legalize the acts of certain officers of Henry county, and for other purposes;"

"An act to locate the county seat of Stark, and to extend the limits of said county."

"An act in relation to the publication of the reports of the decisions of the Supreme Court of the State of Illinois;"

"An act to legalize the acts of the commissioners of Champaigne county;"

"An act fixing the time of holding the summer term of the Supreme Court;"

"An act to incorporate the Hamilton Primary School;" and
Ordered to a second reading.

Whereupon,

On motion,

Said bills were severally read a second and third time by their titles, and passed.

Ordered, That the titles be respectively as aforesaid, and that the Secretary inform the House of Representatives thereof.

The Senate bill, for "An act to vacate a State road in Pike county," contained in one of the messages from the House of Representatives, was taken up, and,

On the question—Will the Senate concur with the House in their amendments to said bill?

It was decided in the negative.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Herndon,

The order of the business of the Senate was suspended.

Whereupon, Mr. Herndon offered for adoption the following resolution, viz:

"Resolved by the Senate, the House of Representatives concurring herein, That both Houses meet in the Hall of the House of Representatives, on Saturday evening the 1st day of February, at 7 o'clock P. M., for the purpose of electing a Treasurer of the Canal Board;" which was read.

Whereupon, Mr. Servant moved to amend said resolution by adding the following, viz:

"Three persons to revise the laws of this State;" which was adopted.

Mr. Hacker moved to lay said resolution on the table;" which was not agreed to.

Those who voted in the affirmative, are,

Messrs. Allen, Bostick, Fletcher, Gaston, Hacker, Johnston, Mitchell, Parrish, Warren, Witt and Wood—11.

Those who voted in the negative, are,

Messrs. Borough, Blackwell, Browning, Churchill, Davidson, Fithian, Gatewood, Gibbs, Greer, Hamlin, Hunter, Harrison, Herndon, Little, Markley, Mills, Moore, Monroe, Murray, O'Rear, Richardson, Ross, Servant, Sergeant, Stadden, Weatherford and Woodworth—27.

Mr. Davidson moved to further amend said resolution by adding the following, viz:

"One Fund Commissioner and Three Commissioners of Public Works;" which was agreed to.

And the question recurring on the adoption of the resolution as amended;

It was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Gibbs, Greer, Hamlin, Hunter, Herndon, Little, Markley, Mills, Moore, Monroe, Murray, O'Rear, Richardson, Ross, Servant, Sergeant, Weatherford, Witt and Woodworth—28.

Those voting in the negative, are,

Messrs. Fletcher, Gaston, Gatewood, Hacker, Harrison, Johnston, Mitchell, Parrish, Stadden, Warren and Wood—11.

The bill from the House of Representatives, for "An act to amend an act, entitled 'An act establishing the courts of county commissioners,'" was read a second time, and

On motion of Mr. Little,

Laid on the table.

The bill from the House of Representatives, for "An act to amend the several laws in relation to appeals," was read a second time.

Whereupon, Mr. Richardson moved to lay said bill on the table; which was not agreed to.

Those voting in the affirmative, are,

Messrs. Allen, Blackwell, Davidson, Gaston, Gibbs, Greer, Hacker, Johnston, Little, Mills, Nunnally, Parrish, Richardson, Stadden, Witt and Wood—16.

Those voting in the negative, are,

Messrs. Borough, Bostick, Browning, Butler, Churchill, Fithian, Fletcher, Hamlin, Hunter, Herndon, Markley, Mitchell, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant, Warren, Weatherford and Woodworth—22.

The question recurring on ordering said bill to a third reading, It was decided in the affirmative.

On motion of Mr. Weatherford,

The vote this day taken on concurring with the House of Representatives in their amendments to the bill from the Senate, for "An act to vacate a State road in Pike county," was reconsidered.

And the question again recurring on concurring with the House in their amendments to said bill,

It was decided in the affirmative.

Ordered, That said bill be as amended by the House of Representatives and that the Secretary inform them thereof.

On motion,

The Senate adjourned until to-morrow morning at 10 o'clock.

SATURDAY, FEBRUARY 1, 1840.

Senate met pursuant to adjournment.

Mr. Ross from the committee on Public Accounts and Expenditures, to which was referred the bill from the House of Representatives, entitled "An act making additional appropriations for the year 1839 and '40;" reported the same back with sundry amendments thereto.

Mr. Johnston moved to amend the amendment of the committee by adding the following, viz:

"To D. Ragsdale, the sum of sixteen dollars, for four days services as Assistant Sergeant-at-Arms, at the present session;" which was agreed to.

Mr. Fletcher moved to lay said bill, together with the amendments, on the table; which was decided in the negative.

Mr. Servant moved further to amend the amendments by adding the following as an additional section, viz:

"The Board of Public Works provided for, and created by the provisions of an act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois, passed at the present session of the General Assembly, are hereby prohibited from letting any additional contract, upon any Rail Road, Turnpike Road, or River, in this State, until further authorized by law so to do;" which was agreed to.

Mr. Fletcher moved further to amend the amendments proposed by the committee, by adding the following, to wit:

"To John Williams for fitting up room for the sitting of the Supreme Court, twenty-five dollars, July term;"

"To Mr. Hough, for furnishing coal for the use of Supreme Court sixteen dollars;" which was decided in the affirmative.

Mr. Hacker moved further to amend the amendments of the committee, by adding after the word stoves, the words "and other furniture;" which was agreed to.

Mr. Herndon moved further to amend the amendments of the committee by adding the following as an additional section, viz:

"SEC. —. To P. A. Saunders for rent of a room for the Clerk's Office of the Supreme Court from 29th July, 1839, at the rate of seven dollars per month, to be paid on the certificate of the clerk of said court;" which was decided in the affirmative.

Mr. Servant moved further to amend the amendments proposed by the Committee by striking out "Trustees of the Episcopalian church," and insert "Wardens and Vestrymen of the Protestant Episcopal Church," in lieu thereof; which was agreed to.

Mr. Servant moved to further amend the amendments by adding the following, viz:

"To the Justices of the Supreme Court, and Judges of the Circuit Courts in this State, each two hundred dollars;" which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Browning, Greer, Hamlin, Harrison, Herndon, Little, Ross, Servant, Stadden and Woodworth—11.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Blackwell, Butler, Churchill, Davidson, Fithian, Gaston, Gibbs, Hacker, Hunter, Johnston, Markley, Mills, Mitchell, Monroe, Murray, Nunnally, O'Rear, Parrish, Richardson, Sergeant, Warren, Weatherford, Witt and Wood—26.

And on the question—Will the Senate concur with the amendments of the Committee on Public Accounts and Expenditures, as amended by them?

It was decided in the affirmative.

Mr. Hacker moved to amend the first section of said bill by striking out the word "six" and insert "seven" in lieu thereof; which was agreed to.

Mr. Churchill moved to further amend said bill by adding the following as an additional section, viz:

"SEC. —. So much of the act approved February 3d, 1835, entitled "An act concerning public roads," as authorizes the County Commissioners' Court to levy a Road Tax, is hereby repealed."

Whereupon, Mr. Ross moved the previous question.
And on the question—Shall the main question be now put?
It was decided in the affirmative.

Ordered to a third reading, as amended.

On motion of Mr. Ross,

The rule of the Senate was suspended, said bill read a third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof, and ask their concurrence in the amendments to said bill.

Mr. Monroe from the committee on Enrolled bills, reported as correctly enrolled,

“An act to amend an act authorizing Samuel Witters to build a toll bridge across the Skillet Fork of the Little Wabash;”

“An act to establish a ferry across the Illinois river;”

“An act to amend the several laws relative to practice in Courts of law and chancery;”

“An act relative to certain towns in Greene county;”

“An act to incorporate the Kaskaskia Beet Sugar Manufacturing Company, and the Randolph Silk Manufacturing Company;”

“An act to vacate a State Road in Pike county, and for other purposes;”

“An act to incorporate the city of Quincy;”

“An act to amend the several laws in relation to the Illinois and Michigan Canal;”

“An act to amend an act to incorporate the Peoria Commercial Insurance Company, approved February 18th, 1837;”

“An act for the relief of Contractors on Public Works in this State, and

“An act further to amend the several acts in relation to Common Schools.”

And afterwards reported that he had laid the same before the Council of Revision.

A bill for “An act to repeal an act to establish and maintain a general System of Internal Improvements, and all acts amendatory or supplementary thereto,” purporting to have passed both Houses, is in my possession. This bill is not in the same situation it was when it passed the Senate. One section of the bill as it passed the Senate, is not in the bill as it came from the House of Representatives. I reported the bill informally some days since to the Senate, and it was signed by the Speakers of both Houses; but when they were informed of the facts, they directed me to take their names off. Consequently, the bill was not in a situation to lay before the Council of Revision. I respectfully submit the facts, in regard to this bill, to the Senate, so that they can dispose of it in such a manner as they think proper.

B. MONROE,

Chairman of the Committee on Enrolled Bills.

Mr. Davidson moved the adoption of the following order, viz:

Ordered by the Senate and House of Representatives, That the Speakers of the two Houses are respectfully requested to sign forthwith a bill which some time since passed the two Houses, entitled “An act to repeal an act to establish and maintain a general system of Internal Improvements, and all

acts amendatory thereto," in order that it may be immediately laid before the Council of Revision.

Mr. Ross moved to lay the order upon the table; which was decided in the affirmative.

Those voting in the affirmative, are,

Messrs. Allen, Browning, Churchill, Fithian, Gaston, Hacker, Hamlin, Harrison, Herndon, Johnston, Little, Mitchell, Monroe, Prrrish, Ross, Stadden, Warren, Woodworth, Wood and Mr. Speaker—20.

Those voting in the negative, are,

Messrs. Borough, Bostick, Blackwell, Davidson, Fletcher, Gibbs, Greer, Hunter, Markley, Mills, Moore, Murray, Nunnally, O'Rear, Richardson, Servant, Sergeant, Weatherford and Wilt—19.

Mr. Little from the committee on the Judiciary, to which was referred the resolution directing them to inquire and report to the Senate whether the Bank of Illinois, at Shawneetown, has any time since the first March last, suspended, or refused payment, in gold or silver, of any of its notes, bills or obligations, &c.

Reported the same back without amendment, and ask to be discharged from the further consideration of said resolution; which was agreed to.

On motion of Mr. Little,

Said resolution was laid on the table.

Mr. Ross moved to suspend the order of business for the purpose of taking up a bill, entitled "An act to re-locate a State Road, in Pike county," which was decided in the affirmative.

And on the question—Will the Senate concur with the House of Representatives in their amendments to said bill?

It was decided in the affirmative.

Ordered, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Fletcher the order of business was suspended, and the bill from the House of Representatives, entitled "An act to incorporate the Springfield Mechanics' Union;" was taken up, read, and .

Ordered to a third reading.

On motion of Mr. Fletcher,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Mitchell,

The order of business was suspended, and the bill from the House of Representatives, entitled "An act fixing the times of holding the Circuit Courts in the eight Judicial Circuit;" was taken up, read, and

Ordered to a second reading.

On motion of Mr. Mitchell,

The rule of the Senate was dispensed with, said bill read a second and third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Blackwell,

The order of business was suspended, and the bill from the House of

Representatives, entitled "An act concerning the Revenue of Clay county;" was taken up, read, and

Ordered to a second reading.

On motion of Mr. Blackwell,

The rule of the Senate was dispensed with, said bill read a second and third time, by its title, and passed.

Ordered, that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Stadden,

The order of business was suspended, and the bill, entitled "An act to amend the several laws in relation to the Illinois and Michigan Canal," was taken up.

And on the question being—Will the Senate concur with the House of Representatives in their amendments to said bill?

It was decided in the affirmative.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Herndon,

The order of business was suspended, and the bill, entitled "An act to incorporate the City of Springfield," was taken up.

And on the question—Will the Senate concur with the House of Representatives in their amendments to said bill?

It was decided in the affirmative.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Parrish,

The order of business was suspended, and the bill entitled "An act to locate a State road therein named;" was taken up,

And on the question—Will the Senate concur with the House of Representatives in their amendments to said bill?

It was decided in the affirmative.

Ordered, that the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Browning,

The order of business was suspended, and the bill, entitled "An act to incorporate the city of Quincy;" was taken up.

And on the question—Will the Senate concur with the House of Representatives in their amendments to said bill?

It was decided in the affirmative.

Ordered, that the Secretary inform the House of Representatives thereof.

On motion of Mr. Wood,

The order of business was suspended, and the bill from the House of Representatives, entitled "An act to locate a State Road in the county of Washington;" was taken up, read, and

Ordered to a second reading.

On motion of Mr. Wood,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

Mr. Hamlin moved to suspend the order of business for the purpose of

taking up the bills contained in the Message from the House of Representatives; which was agreed to.

The bill from the House of Representatives, entitled "An act concerning the National Road in Illinois;" was taken up and read.

Mr. Witt moved to lay the same on the table until the 4th day of July next; which was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Churchbill, Fithian, Fletcher, Herndon, Little, Markley, Mitchell, Moore, Servant, Weatherford and Witt—14.

Those who voted in the negative, are,

Messrs. Blackwell, Browning, Butler, Davidson, Gaston, Gibbs, Greer, Hacker, Hamlin, Hunter, Harrison, Johnston, Mills, Monroe, Murray, O'Rear, Parrish, Richardson, Ross, Sergeant, Warren, Woodworth and Wood—23.

Ordered to a second reading.

The bill from the House of Representatives, entitled "An act to authorize the Board of Public Works to audit and settle the accounts of Edward Smith, deceased;" was read, and

Ordered to a second reading.

On motion of Mr. Maus,

The rule of the Senate was dispensed with, said bill read a second and third time and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

A message from the House of Representatives, by Mr. Berry their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives, to inform the Senate, that the House has concurred with the Senate, in the passage of bills of the following titles, as amended by them, in which amendments they ask the concurrence of the Senate, to wit:

"An act to amend the several laws in relation to the Illinois and Michigan Canal;"

They have amended said bill by striking out the 5th and 6th sections.

"An act to incorporate the City of Springfield;"

They have amended said bill by inserting between the words "purposes" and "*Provided*," in the fifth line of first section, the words "except upon real estate."

They have concurred without amendment, with the Senate in the passage of the bills of the following titles, viz:

"An act in relation to the Charleston and Jonesboro' College;"

"An act legalizing the State Road between Washington and Pekin;"

"An act supplemental to an act, entitled "An act to incorporate the Quincy House Company, approved March 2d, 1839;"

"An act to incorporate the Madison county Ferry company;"

"An act for the benefit of Wildey Lodge, No. 5, in the town of Galena;"

"An act to vacate the town plats in the towns therein named;"

"An act to abolish the Board of Public Works, and the Board of Fuud Commissioners." And he withdrew.

A message from the House of Representatives, by Mr. Stapp, a Representative:

Mr. Speaker: I am directed by the House of Representatives, to inform

the Senate, that they have concurred with them in the passage of a bill of the following title, viz:

"An act to amend an act to incorporate the Peoria Commercial Insurance Company, approved February 18, 1837;"

They have also concurred with the Senate in the passage of a bill of the following title, viz:

"An act to re-locate a State road from Charleston to Andrew Wilson's, in Macon county, as amended by them." In which amendment they ask the concurrence of the Senate. And he withdrew.

On motion,

The Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

A Message from the House of Representatives, by Mr. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate, that they have passed bills of the following titles, viz:

"An act to amend the charter of the Quincy Insurance Company;"

"An act supplemental to an act in relation to the State Bank of Illinois;"

In the passage of which they ask the concurrence of the Senate.

They have also concurred with the Senate in the passage of a resolution to meet in the Hall of the House of Representatives, at 7 o'clock, P. M., on the 1st February, for the purpose of electing a Treasurer of the Canal Board, &c. &c.

They have also adopted the following resolution, viz:

Resolved by the General Assembly, That the memorial of M. A. Chinn be referred to the Board of Public Works, with instructions to make such indemnification as may appear to be just.

In the passage of which resolution they ask the concurrence of the Senate.

They have also concurred with the Senate in their amendments to a bill for "An act making additional appropriations for the years 1839-'40."

They have also concurred with the Senate in the passage of a bill for "An act for the relief of contractors on Public Works in this State," as amended by them;

In which amendments they ask the concurrence of the Senate. And he withdrew.

Mr. Monroe from the committee on Enrolled bills, reported as correctly enrolled,

"An act to locate a State road therein named;"

"An act to relocate a certain State road in Pike county;"

"An act legalizing the State road between Washington and Pekin;"

"An act for the benefit of Wildy Lodge, in the town of Galena;"

"An act to incorporate the Madison County Ferry Company;"

"An act to abolish the Board of Commissioners of Public Works and the Board of Fund Commissioners;"

"An act in relation to the Charleston Seminary and Jonesboro' College;"

"An act to vacate the town plats therein named;"

"An act supplemental to an act, entitled 'An act to incorporate the Quincy House Company,' approved March 2, 1839."

And afterwards reported that he had laid the same before the Council of Revision.

A message from the House of Representatives, by Mr. Hardin, a Representative:

Mr. Speaker: The House of Representatives have passed a bill for "An act to incorporate the town of Jacksonville, and for other purposes."

In the passage of which they ask the concurrence of the Senate. And he withdrew.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have concurred with them in their amendments to a bill for "An act for the relief of certain securities therein named."

In which amendments they ask the concurrence of the Senate. And he withdrew.

Mr. Davidson moved to reconsider the vote taken on yesterday on the adoption of the resolutions contained in the report of the joint Judiciary committee appointed by the two Houses, to which was referred all contracts made by the Fund Commissioners, &c.

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Davidson, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Harrison, Herndon, Johnston, Mills, Mitchell, Monroe, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—22.

Those voting in the negative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Fithian, Greer, Hamlin, Hunter, Little, Markley, Moore, Murray, O'Rear, Ross, Servant and Sergeant—18.

Whereupon, Mr. Davidson called for a division of the question;

And the question being first taken on the adoption of the two first resolutions contained in said report,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Fithian, Gibbs, Hamlin, Hunter, Little, Markley, Moore, Murray, O'Rear, Ross, Servant and Sergeant—18.

Those voting in the negative, are,

Messrs. Allen, Davidson, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Herndon, Harrison, Johnston, Mills, Mitchell, Monroe, Nunnally, Parrish, Richardson, Stadden, Warren, Weatherford, Witt, Woodworth and Wood—22.

And the question then recurring on the adoption of the two last resolutions contained in said report,

It was decided in the negative.

Those voting in the affirmative, are,

Messrs. Borough, Bostick, Blackwell, Browning, Butler, Churchill, Fithian, Greer, Hamlin, Hunter, Little, Markley, Moore, Murray, O'Rear, Ross, Servant, Sergeant and Witt—19.

Those voting in the negative, are,

Messrs. Allen, Davidson, Fletcher, Gaston, Gatewood, Gibbs, Hacker, Harrison, Herndon, Johnston, Mills, Mitchell, Monroe, Nunnally, Parrish, Stadden, Warren, Weatherford, Woodworth and Wood—20.

A message from the Governor, by Mr. Witt, a Senator:

Mr. Speaker: I am directed by the Governor to lay before the Senate a written communication. And he withdrew.

Mr. Speaker laid before the Senate a communication from the Auditor of Public Accounts in relation to the amount of taxes assessed in Randolph county for the year 1839; which was read, and

Laid on the table.

Mr. Speaker announced that the communication just received, together with one some time since received from the Governor, was upon Executive business.

Whereupon, Mr. Hacker moved that the communications just announced, should be acted upon with open doors; which was agreed to.

Whereupon, Mr. Speaker laid before the Senate the following letter from the Governor, viz:

EXECUTIVE DEPARTMENT,

Springfield, January 31, 1840.

To the Senate of the State of Illinois:

I nominate Stephen A. Douglass to be Secretary of State.

THO. CARLIN.

Whereupon, Mr. Davidson moved the adoption of the following resolutions, viz:

Resolved, That the power of the Executive of this State to nominate and appoint a Secretary of State, unless in case of a vacancy, having been fully decided by the supreme court of this State, and the Senate not having been advised of a vacancy in said office: Therefore,

Be it further resolved, That the Senate do not advise and consent to the nomination of Stephen A. Douglass, as Secretary of State.

Whereupon, Mr. Gatewood moved to strike out all after the word "resolved," and insert in lieu thereof the following, viz:

"That it is constitutional for the Governor to nominate, and the Senate to appoint, a Secretary of State, and thereby supersede and remove any incumbent in that office."

Mr. Fletcher called for a division of the question.

And the question being first taken on striking out,

It was decided in the negative.

Those who voted in the affirmative, are,

Messrs. Borough, Bostick, Gaston, Gatewood, Hacker, Hunter, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Weatherford, Witt, Woodworth and Wood—18.

Those who voted in the negative, are,

Messrs. Allen, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gibbs, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant and Warren—22.

And the question recurring on the adoption of the resolutions offered by Mr. Davidson,

Mr. Gatewood moved a division of the question.

And the question being first taken on the adoption of the first resolution,

It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gaston, Gatewood, Gibbs, Greer, Hacker, Hamlin, Hunter, Harrison, Little, Mills, Mitchell, Moore, Monroe, Murray, Nunnally, O'Rear, Ross, Servant, Sergeant, Warren, and Witt—30.

Those who voted in the negative, are,

Messrs. Bostick, Herndon, Johnston, Markley, Parrish, Richardson, Stadden, Weatherford, Woodworth and Wood—10.

And the question recurring on the adoption of the second resolution, It was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Blackwell, Browning, Butler, Churchill, Davidson, Fithian, Fletcher, Gibbs, Greer, Hamlin, Harrison, Little, Mills, Moore, Monroe, Murray, O'Rear, Ross, Servant, Sergeant and Warren—22.

Those who voted in the negative, are,

Messrs. Borough, Bostick, Gaston, Gatewood, Hacker, Hunter, Herndon, Johnston, Markley, Mitchell, Nunnally, Parrish, Richardson, Stadden, Weatherford, Witt, Woodworth and Wood—18.

Whereupon, the Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,

Springfield, January 30, 1840.

To the Senate of Illinois:

I nominate Ethan H. Nichols to be notary public, and John D. Young to be public administrator, for the county of Whiteside.

Smith Galbreath to be notary public for the county of Lee.

John A. Clark to be notary public, and Hiram Eads to be public administrator, of the county of Stephenson.

Virgil A. Bouge to be notary public for the county of Ogle.

Christopher Sammis to be notary public for Stark county.

Aaron Shaw to be notary public for Lawrence county.

William Docker to be notary public for Tazewell county.

Jefferson L. Womack to be notary public for Wayne county.

Joseph W. Ormsbee to be notary public for Scott county.

Alonzo Huntington to be notary public for Cook county.

Isaac W. Piggott and Paris Mason to be notaries public for the town of Grafton, in Jersey county.

J. C. Stickney to be Director of the Bank of Illinois, in place of James C. Sloo, resigned.

John J. Turnbaugh to be notary public for the town of Pittsfield, O.

M. Hatch to be notary public for the town of Griggsville, Joseph S. King to be notary public for the town of Perry, and Lyman Scott to be notary public for the town of Rockport, in Pike county.

Isaac N. Morris to be notary public for the town of Quincy, in Adams county.

John Calhoun, Virgil Hickox, and Samuel H. Treat, to be Directors of the State Bank of Illinois.

THO. CARLIN.

Which was read.

Whereupon,

On motion of Mr. Gatewood,

The nomination of J. C. Stickney to be Director of the Bank of Illinois, was laid on the table.

Mr. Herndon moved the indefinite postponement of the further consideration of the nominations of Virgil Hickox and Samuel H. Treat; which was decided in the affirmative.

Those who voted in the affirmative, are,

Messrs. Allen, Borough, Bostick, Blackwell, Browning, Butler, Davidson, Gatewood, Greer, Herndon, Johnston, Little, Markley, Monroc, Murray, Parrish, Ross, Servant and Woodworth—19.

Those who voted in the negative, are,

Messrs. Churchill, Fithian, Fletcher, Gaston, Gibbs, Hacker, Hamlin, Hunter, Harrison, Mills, Mitchell, Nunnally, Sergeant, Warren, Weatherford, Witt and Wood—17.

Mr. Davidson then moved that the Senate do now advise and consent to the nomination of John Calhoun, to be a Director of the State Bank of Illinois; which was decided in the affirmative.

Mr. Weatherford moved that the Senate do now advise and consent to all the remaining nominations contained in said communication; which was decided in the affirmative.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they have passed bills of the following titles, viz:

“An act concerning the Little Wabash river;” and

“An act in relation to the State House Commissioners.”

In the passage of which they ask the concurrence of the Senate.

They have also concurred with the Senate in the passage of bills of the following titles, viz:

“An act for a State road from Dixon’s via Rockford, on the east side of Rock river, to Beloit, &c;”

“An act to authorize Charles G. Thomas to keep a ferry across the Mississippi river;”

“An act to incorporate the Galena Mining, Smelting and Hydraulic Company;” and

“An act further to amend the several acts in relation to common schools.”

They have adopted the following resolution, viz:

Resolved by the Senate and House of Representatives, That a joint resolution heretofore passed, authorizing the printing of 1,000 copies of reports, be so modified as to authorize the printing 2,000 copies.

In the adoption of which resolution they ask the concurrence of the House of Representatives. And he withdrew.

On motion of Mr. Blackwell,

The order of business was suspended; and

The bill from the House of Representatives, entitled “An act regulating the time of holding the courts in the counties of Clinton and Bond,” was read, and

Ordered to a second reading.

On motion of Mr. Blackwell,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Browning,

The order of business was further suspended; and

The bill from the House of Representatives, entitled "An act to amend the several laws in relation to appeals," was read, and

Ordered to a second reading.

On motion of Mr. Browning,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion,

The Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Davidson,

The order of business was suspended; and

The Senate bill from among the messages of the House, entitled "An act for the relief of contractors on Public Works in this State," was taken up, and the amendments of the House thereto read and concurred in.

Ordered, that the Secretary inform the House of Representatives thereof.

On motion of Mr. Hamlin,

The order of business was further dispensed with, and

The bill for "An act for the relief of certain securities therein named," was taken up from among the messages and concurred in.

Ordered, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Fletcher,

The order of business was further suspended; and

The bill from the House of Representatives, from among the messages, entitled "An act supplemental to an act to authorize and require the School Commissioners of Sangamon county, to pay over certain School funds to the School Commissioners of Menard, Logan and Dane counties," was taken up, read, and

Ordered to a second reading.

On motion of Mr. Fletcher,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Weatherford,

The order of business being suspended therefor,

The bill from the House of Representatives, entitled "An act to incor-

porate the town of Jacksonville, and for other purposes," was taken up, read, and

Ordered to a second reading.

On motion of Mr. Hamlin,

The rule of the Senate was dispensed with, said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

On motion of Mr. Fletcher,

The order of business was further dispensed with, and

The bill from the House of Representatives, entitled "An act to incorporate the Springfield Marine and Fire Insurance Company," was taken up, read the first time, and

Ordered to a second reading.

Mr. Fletcher moved to dispense with the rule of the Senate, and read said bill a second time by its title.

Whereupon,

On motion of Mr. Little,

The further consideration of said bill was indefinitely postponed.

On motion of Mr. Stadden,

The order of business was further dispensed with, and

The bill from the House of Representatives, entitled "An act in relation to special bail," was taken up and read.

Whereupon,

On motion of Mr. Little,

The further consideration of said bill was indefinitely postponed.

On motion of Mr. Davidson,

The order of business was further suspended; and

The bill from the House of Representatives, entitled "An act concerning the Little Wabash river," was taken up, read, and

Ordered to a second reading.

On motion of Mr. Davidson,

The rule of the Senate was dispensed with, and said bill read a second and third time by its title, and passed.

Ordered, That the title be as aforesaid, and that the Secretary inform the House of Representatives thereof.

A message from the Council of Revision, by Mr. Hubbard, their Secretary:

Mr. Speaker: The Council of Revision have directed me to inform the Senate, that they have approved of the following acts, to wit:

"An act to amend the laws in relation to change of venue;"

"An act to alter a certain State road in Fayette county;"

"An act to amend an act incorporating the La Salle Charity Hospital, approved February 23d, 1839;"

"An act to authorize Shelton L. Hall and others, to establish a ferry across Rock River;"

"An act to authorize the trustees of Schools in townships eight north, range five east, to refund certain money."

"An act for the relief of William Howell, of Calhoun county;"

"An act to provide for the settlement of debts and liabilities incurred on account of Internal Improvements in the State of Illinois."

"An act to incorporate the Kaskaskia Beet Sugar Manufacturing Company, and Randolph Silk Manufacturing Company;"

"An act relative to certain roads in Greene county;"

"An act to amend an act authorizing Samuel Witters to build a toll bridge across the Skillet Fork of the Little Wabash river;"

"An act to establish a Ferry across the Illinois river."

"An act to vacate a State road in Pike county, and for other purposes;"

"An act to abolish the Board of Commissioners of Public Works and the Board of Canal Commissioners;"

"An act to amend the several laws in relation to the Illinois and Michigan Canal. And he withdrew.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk:

Mr. Speaker: I am directed by the House of Representatives to inform the Senate that they are now in session, and are ready to receive them in the Hall of the House of Representatives, to elect a Treasurer of the Canal Board, &c. &c.

Whereupon, The Senate, preceded by their Speaker, proceeded to the Hall of the House of Representatives, and the two Houses proceeded to elect a Treasurer of the Canal Board by joint vote; which being counted, stood thus:

For David Prickett—54.

For William Moore—38.

For William L. May—16.

For Henry G. Hubbard—12.

No person having received a majority of all the votes given, the two Houses proceeded to take a second vote; which, on being counted, stood thus:

For David Prickett—58.

For William Moore—50.

For William L. May—7.

Henry G. Hubbard—4.

No person having received a majority of all the votes given, the two Houses proceeded to take a third vote; which, on being counted, stood thus:

For William Moore—60.

For David Prickett—58.

Scattering—3.

No person having received a majority of all the votes given, the two Houses proceeded to take a fourth vote; which, on being counted, stood thus:

For David Prickett—60.

For William Moore—59.

Scattering—2.

No person having received a majority of all the votes given, the two Houses proceeded to take a fifth vote; which, on being counted, stood thus:

For David Prickett—60.

For William Moore—55.

For William L. May—4.

For Henry G. Hubbard—3.

No person having received a majority of all the votes given, the two Houses proceeded to take a sixth vote; which, on being counted, stood thus:

For David Prickett—60.

For William Moore—59.

For William L. May—3.

No person having received a majority of all the votes given, the two Houses proceeded to take a seventh vote; which, on being counted, stood thus:

For David Prickett—59.

For William Moore—56.

For William L. May—5.

No person having received a majority of all the votes given, the two Houses proceeded to take an eighth vote; which, on being counted, stood thus:

For David Prickett—60.

For William Moore—54.

For William L. May—3.

David Prickett having received a majority of all the votes given, was declared duly elected Treasurer of the Board of Canal Commissioners.

The two Houses then proceeded to vote for three Commissioners of the Board of Public Works; which being counted, stood thus:

For John Hogan—102.

For Hart Fellows—78.

For Joshua Beall—78.

For Davis Divine—52.

For Jesse B. Thomas—50.

Scattering—7.

Whereupon, John Hogan, Hart Fellows, and Joshua Beall, having received a majority of all the votes given, was declared duly elected Commissioners of the Board of Public Works.

The two Houses then proceeded to vote for a Fund Commissioner, which being counted, stood thus:

For ——— Brother—60.

For Richard F. Barrett—57.

Scattering—11.

No person having received a majority of all the votes given, the two Houses then proceeded to vote a second time; which on being counted, stood thus:

For ——— Brother—60.

For Richard F. Barrett—57.

Scattering—5.

No person having received a majority of all the votes given, the two Houses proceeded to vote a third time; which on being counted, stood thus:

For Richard F. Barrett—68.

For ——— Brother—53.

Whereupon, Richard F. Barrett having received a majority of all the votes given, was declared by the Speaker duly elected Fund Commissioner of the State of Illinois.

On motion of Mr. Harrison,

The election of three persons, well skilled in the laws for the purpose of revising and condensing all laws of a general nature, was indefinitely postponed.

Whereupon, The Senate retired to their Chamber, and

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,

Springfield, February 1, 1840.

To the Senate of Illinois:

I nominate Morris Doyle and Jonas Whitney to be Directors of the State Bank of Illinois.

THO. CARLIN.

Which was read.

Mr. Gibbs moved that the Senate do advise and concur in the nomination of Morris Doyle and Jonas Whitney to be Directors of the State Bank of Illinois; which was agreed to.

On motion,

The Senate adjourned until Monday morning at 7 o'clock, A. M.

MONDAY, FEBRUARY 3, 1840.

Senate met pursuant to adjournment.

A message from the Council of Revision, by Mr. Hubbard, their Secretary:

Mr. Speaker: The Council of Revision have directed me to inform the Senate, that they have approved of acts of the following titles, to wit:

"An act to incorporate the Madison County Ferry Company;"

"An act for the benefit of Wildey Lodge, in the town of Galena;"

"An act in relation to the Charleston Seminary and Johnston College;"

"An act supplemental to an act entitled an act to incorporate the Quincy House Company, approved March 2d, 1839;"

"An act for the relief of Contractors on Public Works in this State;"

"An act further to amend the several acts in relation to Common Schools;"

"An act to locate a State Road therein named;"

"An act to amend an act to incorporate the Peoria Commercial Insurance Company, approved February 18, 1837;"

"An act to vacate the town plats of the towns therein named;"

"An act legalizing the State road between Washington and Pekin;"

"An act to incorporate the City of Quincy;"

"An act to incorporate the City of Springfield;"

They have also directed me to return a bill of the following title:

"An act to amend the several laws in relation to practice in Courts of Law and Chancery," with their objections as follows:

COUNCIL CHAMBER, 3d February, 1840.

The Council of Revision have had under consideration, "An act to amend the several laws in relation to practice in Courts of Law and Chancery, and return the same as improper to become a law, for the following causes, viz:

The 4th section of the act repeals the proviso to the 3d section of the act, entitled "An act regulating the mode of taking depositions, and to provide for perpetuating evidence." This section is, in the opinion of the undersigned, objectionable; as it destroys all provision by statute, for authenticating evidence, taken out of the State, in cases pending in the State Courts. The necessity of prescribing the manner of authentication, is esteemed to be highly apparent, and no sufficient cause can be conceived why this proviso to a law, which has been in force for nearly thirteen years, should be repealed without providing some specific manner of authenticating depositions taken out of the State.

There are other objections to the bill. In relation to the changes which are proposed in the practice of the Courts, some of which might be salutary, while others are objectionable, the practice of innovating on long established modes of proceedings, unless indispensably necessary, on the ground of such proceedings, being found in their operation highly inconvenient or oppressive, should be discountenanced. And as no such reasons are perceived in the case before the undersigned, they are constrained to withhold their sanction to the bill under consideration.

THOS. CARLIN,
SAML. D. LOCKWOOD,
THOS. W. SMITH.

And he withdrew.

On motion of Mr. Hacker,

The resolution from the House of Representatives, having for its object the printing an additional number of the volume of Reports; was taken up, read and adopted.

Ordered, that the Secretary inform the House of Representatives thereof.

Mr. Churchill offered the following resolution; Mr. Hacker in the Chair.

Resolved, That the thanks of the Senate be presented to the Honorable Stinson H. Anderson, for the able, truly impartial and dignified manner in which he has discharged the arduous and important duties of the Chair during the present session.

Which was unanimously adopted.

Whereupon Mr. Speaker resumed the Chair.

A message from the House of Representatives, by Mr. Berry, their Assistant Clerk.

Mr. Speaker: The House of Representatives have adopted the following resolution, to wit:

Resolved by the General Assembly, That the Governor is authorized to pay out of the Contingent Fund, to J. Townsend, sixty dollars, for services rendered as Clerk to the Committee on Internal Improvement, in the House of Representatives. And he withdrew.

Whereupon,

On motion of Mr. Hacker,

Said message was taken up, considered, and the resolution therein contained, adopted.

Ordered, that the Secretary inform the House of Representatives thereof.

The Honorable Speaker rose and addressed the Senate as follows:

GENTLEMEN: By a resolution adopted by the Senate and House of Representatives, this day at 8 o'clock, A. M. has been fixed for the adjournment of the two Houses, without day. That period having arrived, it now only remains for me to pronounce the Senate adjourned *sine die*.

BENJAMIN BOND,

Secretary of the Senate of Illinois.

SECRET JOURNAL OF THE SENATE.

THURSDAY, DECEMBER 19, 1839.

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,
Springfield, December 18, 1839.

To the Senate of Illinois:

I nominate John H. Holton to be notary public for the town of Quincy, Adams county.

Robert H. Hannaman to be notary public for the town of Knoxville.

James Darah to be notary public for Gallatin county, in place of John B. Coldwell, resigned.

Calvin T. Wheeler to be notary public for Randolph county.

William Hulin to be notary public for Peckatonica township, Winnebago county.

James C. Sloo, Orvil Sexton and John Crenshaw, of Gallatin county, and J. T. Davis, of Franklin county, to be Directors of the Bank of Illinois.

THO. CARLIN.

Which was read; and,

On motion of Mr. Butler,

That the Senate do now advise and consent to the nominations of John H. Holton and Robert H. Hannaman.

It was decided in the affirmative.

On motion of Mr. Gatewood,

That the Senate do now advise and consent to the nomination of James Darah to be notary public for the county of Gallatin.

It was decided in the affirmative.

On motion of Mr. Servant,

That the Senate do now advise and consent to the nomination of Calvin T. Wheeler to be notary public for Randolph county,

It was decided in the affirmative.

On motion of Mr. Harrison,

That the Senate do now advise and consent to the nomination of Wil-

liam Hulin to be notary public for Peckatonica township, Winnebago county,

It was decided in the affirmative.

On motion of Mr. Gatewood,

The nomination for Bank Directors of the Bank of Illinois, was laid on the table.

FRIDAY, DECEMBER 20, 1839.

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,
Springfield, December 19, 1839.

To the Senate of Illinois:

I nominate James C. Sloo, Orvil Sexton and John Crenshaw of Gallatin county, and John T. Davis, of Franklin county, to be Directors of the Bank of Illinois.

THO. CARLIN.

On motion of Mr. Gatewood,

The communication of the Governor nominating Directors for the Bank of Illinois, which was laid on the table yesterday, was taken up, and,

On motion of Mr. Gatewood,

That the Senate do now advise and consent to the nomination of James C. Sloo, Orvil Sexton, and John Crenshaw, the three first gentlemen named in the communication of yesterday, and of John T. Davis, the last named gentleman in the communication of to-day, to be Directors of the Bank of Illinois.

It was decided in the affirmative.

On motion of Mr. Gatewood,

The remaining nominations in said communications of the Governor to be Directors as aforesaid, were laid on the table.

Mr. Speaker then laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,
Springfield, December 19, 1839.

To the Senate of Illinois:

I nominate Nathan Allen Jr. to be notary public, and Stephen S. Scott to be public administrator for the county of Du Page.

THO. CARLIN.

On motion of Mr. Stadden,

That the Senate do now advise and consent to the nomination of Nathan Allen, Jr. and Stephen S. Scott to the offices aforesaid.

It was decided in the affirmative.

SATURDAY, DECEMBER 21, 1839.

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,
Springfield, December 21, 1839.

To the Senate of Illinois:

I nominate Robert Smith to be notary public for Upper Alton precinct, Madison county.

THO. CARLIN.

On motion of Mr. Churchill,
That the Senate do now advise and consent to said nomination,
It was decided in the affirmative.

SATURDAY, DECEMBER 28, 1839.

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,
Springfield, December 27, 1839.

To the Senate of Illinois:

I nominate William E. Franklin to be notary public for the county of Rock Island, and James Mitchell to be notary public for the town of Rockford, in Winnebago county.

THO. CARLIN.

On motion of Mr. Harrison,
That the Senate do now advise and consent to said nominations,
It was decided in the affirmative.

WEDNESDAY, JANUARY 22, 1840.

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,
Springfield, January 22, 1840.

To the Senate of Illinois:

I nominate William B. Donagha to be public administrator, instead of William D. Donagha heretofore appointed, and S. Renfro to be notary public for the county of Johnson.

Allen Redman to be notary public for the town of Shawnectown, Galatin county.

James M. Wright to be notary public for the county of Winnebago.

Joseph H. Berry, of Winchester, to be public administrator for the county of Scott.

Erastus Wheeler to be public administrator for the county of Madison, instead of Benjamin Ogle, removed from the State.

John O. Marsh to be notary public for the city of Cairo, in the county of Alexander.

Edward F. Chittenden to be notary public in the town of Warsaw,

and Guy C. Sampson to be public administrator for the county of Hancock.

Benjamin K. Hart to be Inspector of the Penitentiary.

THO. CARLIN.

On motion of Mr. Ross,

That the Senate do now advise and consent to the above nominations,
It was decided in the affirmative.

MONDAY, JANUARY 27, 1840.

Mr. Speaker laid before the Senate the following communication from the Governor, viz:

EXECUTIVE DEPARTMENT,

Springfield, January 25, 1840.

To the Senate of Illinois:

I nominate Andrew J. Storm to be public administrator, and George W. Watters to be notary public for the county of Pope.

Calvin Palmer to be public administrator for the county of Hardin.

George H. Norris to be notary public for La Salle county.

THO. CARLIN.

On motion of Mr. Witt,

That the Senate do now advise and consent to all said nominations,
It was decided in the affirmative.

MONDAY, FEBRUARY 3, 1840.

On motion of Mr. Churchill,

The following order was adopted, viz:

Ordered, That the injunction of secrecy be removed from the executive journal, and that the same be published with the proceedings of the Senate.

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